

The seal of the Superior Court of Pennsylvania is a circular emblem with a rope-like border. Inside the border, the words "SEAL OF THE SUPERIOR COURT OF PENNSYLVANIA" are written in a circular path. In the center of the seal is the coat of arms of the Commonwealth of Pennsylvania, featuring a shield with a ship, a plow, and a sheaf of wheat, supported by two figures, and topped with a crest. A banner below the shield reads "LIBERTY AND INDEPENDENCE".

**Pennsylvania Superior Court
Ceremonial Sessions**

**Commissioned Judges
Sixty-eight through Ninety-two
1895**

Edited by The Honorable John T. Bender

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This book is dedicated to my past, present and future colleagues who have enjoyed and will enjoy the privilege of service on the Pennsylvania Superior Court.

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FOREWORD

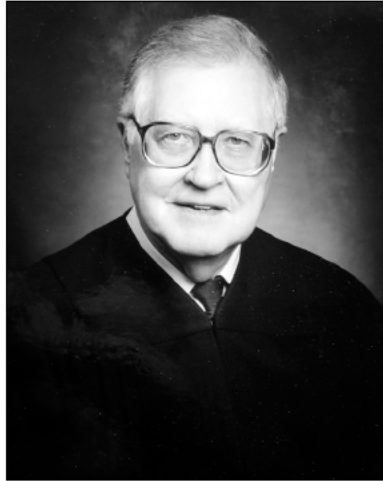
This project began in 2002 when then President Judge Joseph A. Del Sole asked me, as chairman of the Archives Committee, to compile the induction ceremonies of the Judges of the Superior Court of Pennsylvania. During the process of gathering the induction ceremonies, it became obvious that once collected, we would need a method to preserve and to present the ceremonies. As progress was made, the project expanded to include photographs, other ceremonies and, in some cases, biographies of some of our Judges. The publishing of the accumulated material in this volume completes the task for the most recently commissioned twenty-five judges of our Court, i.e., the 68th through the 92nd Judges.

In this volume we have included photographs and all known ceremonial sessions relevant to our most recent twenty-five commissioned judges. We have also included the Superior Court Centennial Ceremony that occurred in 1995. Since there have been 92 commissioned Judges who have served on the Pennsylvania Superior Court, we are now beginning the process of compiling ceremonies and other indicia of their service involving the commissioned Superior Court Judges not included in this volume, i.e., the 1st through the 67th Judges. That information will appear in an upcoming volume, which hopefully will be published within the next year.

While we have attempted to be all inclusive, we were unable to find ceremonies for all Judges. In cases where a ceremony could not be found, we have used other appropriate writings or a biography highlighting that particular Judge's career. Some Judges, notably President Judges, have more than one ceremony. In that our goal was to include all ceremonial sessions, those ceremonies were included and located after each particular Judge's installation ceremony, rather than in chronological order.

The Honorable John T. Bender
87th Commissioned Judge of the
Superior Court of Pennsylvania
January 2007

THE HONORABLE JAMES E. ROWLEY



April 8, 1926 – July 20, 2004
Assumed Office: January 4, 1982
President Judge 1991-1996
County: Beaver

INDUCTION CEREMONY

December 31, 1981
11:00 A.M.
Beaver County Court House
Beaver, Pennsylvania

The Invocation was given by Reverend Ronald R. Cellini, Assistant Pastor, St. Athanasius Church, Pittsburgh, Pennsylvania.

The Pledge of Allegiance was given by Eugene Morris, Esquire, immediate Past President of the Beaver County Bar Association.

President Judge, John N. Sawyer, of the Court of Common Pleas of Beaver County, made the following Remarks:

HON. JOHN N. SAWYER: This court is convened this morning for the induction into office of the Honorable James E. Rowley as a Judge of the Superior Court of Pennsylvania.

We welcome all of you! Your presence here today is a special honor to Judge Rowley. We acknowledge the presence of Judge John Stranahan, President Judge of Mercer County and Judge Albert Acker of Mercer County. We are pleased to note the presence of officials of Beaver County, members of the Pennsylvania Senate and House of Representatives, a member of Congress, many business, labor and community leaders, friends and family members of Judge Rowley. We appreciate the presence of all here as a most distinguished audience. Although limitation of time will not permit the introduction of each of you, there are some present whom I will be calling on for remarks and I will at that time introduce them to you.

This is a solemn and a happy occasion. Solemn because of the distinction and significance of the office into which Judge Rowley is being inducted; happy because it represents the result of the election by the voters of Pennsylvania of Judge Rowley, being an approval and confirmation by the people of Pennsylvania of Judge Rowley. He campaigned throughout the state and the people were pleased with what they saw and heard; we rejoice in the wisdom of the electorate.

This is also a historical occasion: for the Rowley family and for Beaver County. There have been only two judges from Beaver County elevated to the appellate courts of Pennsylvania. President Judge Daniel Agnew of Beaver County in 1863 was elected a justice of the Supreme Court of Pennsylvania and in 1873 became the Chief Justice of that court. Justice Agnew is of historical significance to the Rowley family. Ruth Rowley, prior to her marriage, was Ruth Agnew. Ruth and Justice Agnew had a common ancestor in Daniel Agnew who came to New Jersey from Ireland in 1764. Daniel Agnew was the grandfather of Chief Justice Agnew and he was the great, great grandfather of Ruth Rowley. Her great grandfather and Justice Agnew were cousins.

The other judge from Beaver County who was elevated to an appellate court was Judge Wickham, who was appointed by the Governor as a member of the Superior Court when it was first created by the Legislature in 1895; he was then elected but was able to serve only a brief time.

So it has been approximately 100 years since Beaver County

has had one of its judges on the Superior Court. Indeed, this is a historical occasion and a high honor for Beaver County and for the Rowley family.

Over the years, all the judges of this court have gone to lunch together, exchanging ideas and good conversation; we all have worked well and diligently together, sharing the trials, the tribulations and the joys of being Trial Judges and all of us are truly good friends and close associates. My colleagues, Judge Robert Reed, Judge Joseph Walko, Judge Thomas Mannix and Senior Judge Frank Reed would each have been pleased to have had the time to speak concerning Judge Rowley but all agreed that the remarks would be repetitious because all would have nothing but the most complimentary matters to say about Judge Rowley; so in the interest of time, all my colleagues required that I speak on behalf of all of us.

About 15 and one-half years ago, Judge Scalera, Judge Frank Reed and I welcomed Judge Rowley to this bench; we knew him as a fine lawyer, well versed in the law; and we welcomed him with confidence and high expectations. And we tell you that that confidence and those expectations have been fulfilled in full measure pressed down and running over. Over the years, Judge Rowley has engaged in the work of this court with diligence, courage, determination and with outstanding ability, conducting himself in accord with the highest traditions of judicial service. We have approached this day with mixed emotions.

We of this court regret that we are losing from this bench the outstanding abilities of Judge Rowley, but we rejoice in the knowledge that the Superior Court is gaining a member of such excellent judicial ability and stature.

The Superior Court is a distinguished court, and we know that Judge Rowley will add to the distinction, the dignity, and the effectiveness of that court. As a judge of this court, he has been, and I know as a judge of the Superior Court, he will continue to be, a diligent, highly competent, understanding judge, sensitive to desirable changes and with complete integrity, faithful to the principles of justice under the law. As a person of deep religious conviction, he will keep in his mind the admonition of the Prophet Micha who asks, "What doth the Lord require of thee, oh man, but to do justly

(justice), to love mercy, and to walk humbly with his (thy) God?”

On the Superior Court, Judge Rowley will be sitting in Philadelphia, Harrisburg and Pittsburgh but will continue to reside in Beaver; also have chambers and headquarters in Beaver—a place to work on his opinions. Judge Rowley, we know you look forward to the challenge of your new judicial position. I and my fellow judges look forward to reading and studying your opinions; and also, when you are in town, we look forward to our going to lunch together and to our continuing association and friendship.

We congratulate you and your family, and we extend to you our very best wishes for your continued success and fulfillment in this new challenge.

Judge Sawyer introduced the Honorable Vincent A. Cirillo, judge of the Court of Common Pleas of Montgomery County, Pennsylvania, and judge-elect of the Superior Court of Pennsylvania.

President Judge John N. Sawyer introduced Judge Rowley’s son, Daniel Agnew Rowley, a member of the District of Columbia Bar and an Associate at Covington and Burling, Attorneys at Law, Washington, D.C., to present Judge Rowley’s Commission.

DANIEL A. ROWLEY: Thank you, Judge Sawyer. If it please the court, I would first like to have my wife, Judith A. Rowley, read a short history of the Superior Court.

JUDITH A. ROWLEY: The Superior Court was first established by an Act of the General Assembly on June 24, 1895. The Act of 1895 established the court, as a court of intermediate appeal, and provided that the court should be composed of seven (7) Judges.

The court continued as a statutory court until the people of Pennsylvania, on April 23, 1968, adopted the present Constitution which provides for an unified judicial system and establishes the Superior Court as a Constitutional Court.

On November 6, 1979, the people of Pennsylvania adopted an amendment to the Constitution which provided that the Superior Court should have, not less than seven (7) Judges and as many more, as may be provided by the General Assembly.

The General Assembly, by Act of June 11, 1980, increased the number of Judges on the Court from seven (7) to fifteen (15). It was, to one of the newly created seats on the Court, that Dad was elected

at the General Election on November 3, 1981.

Judge John J. Wickham, then President Judge of the 36th Judicial District, consisting of Beaver County, was one of the original appointees, to the Superior Court by the Governor after the court was established. Until today, he and Chief Justice Agnew were the only two Beaver Countians to ever serve on the Pennsylvania Appellate Bench. Judge Wickham was elected to the court in 1895 but died on June 18, 1898.

The first session of the Superior Court was the November Term, 1895. Interestingly, the first printed opinion by the Superior Court, which appears on page 1 of Volume 1 of the Superior Court Reports, was written by Judge Wickham and filed November 18, 1895.

Judge Wickham was born in 1844 in Ireland and came to America with his parents in 1849. He attended schools here, including the Beaver Academy in Beaver and served with the Union Army during the Civil War. He was taken prisoner by the Confederacy and held for several months. After the war, he was admitted to the bar in 1869 and elected President Judge of the Court of Common Pleas of Beaver County in 1884. He was reelected in 1894, then as pointed out, appointed in 1895 to the Superior Court, and later that year elected to a full term. Judge Wickham was succeeded on the Superior Court by Judge William David Porter of Allegheny County.

DANIEL A. ROWLEY: I'm here to present my father's Commission, but first I'd like to take a minute to tell you why I think he's so deserving. I'd like to tell you about some of the qualities that have made dad such a good trial judge, and will continue as he goes on to the Appellate Bench.

One, he has an impartiality and tolerance for other viewpoints. When I was growing up and going to school, I often came home with ideas and opinions gathered in class and from classmates. Whether or not dad agreed, we were able to discuss various viewpoints and sides of a question, he was always willing to take the time and discuss with me, with great tolerance, various viewpoints and thoughts about particular ideas or opinions. Secondly, was his fairness. When my cousins and I were growing up and were in our home, if we got into

trouble he was very fair, he always punished us all equally. Thirdly, he is a scholarly person and enjoys reading, especially books about history, the law and government. He often borrowed many of my college and law school books and since then we share our reading materials. Fourth, he has a deep feeling of dignity and majesty of the law and its processes. Not a blind adherence to law as a solution for all society's ills, but an understanding that the law is, in words of Justice Story, a "mysterious science," mysterious in the sense of profound, sublime, and worthy of human endeavor in its highest form. He imparted his enthusiasm and love of the law to me each day by his actions and words—and that is why I went to law school, knowing that if the law was worthy of my father, it was surely worthy for me. I know that all of my examples about his impartiality, his fairness, scholarliness and love of the law having been drawn from my relationships with him, at home and school, rather than in a courtroom, might seem to be more pertinent to whether he's a great father than an outstanding Judge. But, as a son and as a lawyer, I feel he's both.

Now I'd like to ready my dad's Commission.

Judge Rowley's Commission was then read by his son, Daniel Agnew Rowley, and presented to President Judges Cercone and Sawyer.

HAROLD F. REED, JR., ESQ.: If it please the court, I am delighted to have the opportunity this morning to present my good friend, Judge James E. Rowley, for administration of the Oath of Office to the Superior Court of Pennsylvania.

HON. WILLIAM F. CERCONO: It is always good to be in Beaver County and be among the people here. As a native of your neighboring County of Allegheny, I have had many happy occasions to be in Beaver County down through the years to attend civic, athletic, social events and judicial ceremonial sessions just as we have this morning which is a special session of the Court of Common Pleas of Beaver County and of the Superior Court of Pennsylvania assembled for the purpose of administering the oath of office to Judge James E. Rowley, now a Judge of the Court of Common Pleas of Beaver County, and in a few moments, to become a Judge of the Superior Court of Pennsylvania.

We are most appreciative of the presence of this distinguished audience assembled to honor the Judge in this induction ceremony.

It has often been said, and I am certain you and I have found it to be true, that when we are present at important events, we are not always able to recognize the significance of them at the time they occur. It is only with the perspective of time and distance that we begin to appreciate their importance. And so it is with today's ceremony in which a highly honored, respected and esteemed Judge, Judge James E. Rowley, will become a member of an appellate court in Pennsylvania.

We can, however, with some pertinent information, appreciate in some measure the importance of this day. The Superior Court is a statewide appellate court which decides cases on appeal before us taken from the 67 counties in our state. Some of the counties are combined into single districts so that although we have 67 counties, we have 59 judicial districts. The jurisdiction of the Superior Court is broad and diverse. Its history has been one of continuous enlargement of jurisdiction and volume of litigation. The court began in 1895 with limited appellate jurisdiction. It has become, by constitutional amendment, by statute, and by supervisory rules of the Supreme Court of Pennsylvania, a court of general appellate jurisdiction with an increase in the number of appeals filed annually.

Those of us who came to this court in the late 60's had 1,700 appeals to decide. In 1982, we will approach 5,000 appeals. In 1979, the people of Pennsylvania, in their wisdom, approved a constitutional amendment which enlarged the court from 7 judges to 15 judges. It is still a heavily burdened court. In 1978, the American Judicature Society in a survey and study of appellate courts said,

"The Pennsylvania Superior Court has for some years been one of the most overworked appellate courts in America in terms of caseload and number of written opinions per judge per year. It is evident that the judges of the court have had as much work to do, and have evidently done as much work as human beings reasonably could be expected to do."

So that it is a great feeling of assurance and encouragement to know that a man of Judge Rowley's stature, who has been tested in the crucible of life in his own community and who has come to be

regarded as judge with a great knowledge of the law, and who possesses the necessary qualities of judicial temperament and understanding, will take his place on this very important court in the life of the people of Pennsylvania.

Judge Rowley comes to us with an impressive array of achievements: scholastic, judicial and civic. In his scholastic achievements, he graduated cum laude from Washington and Jefferson College with a Bachelor of Arts Degree and took studies at Geneva and Carnegie Institute now Carnegie Mellon. In law school at the University of Pittsburgh, where he earned his Bachelor of Law Degree, he did it in exemplary fashion being invited, because of his scholarliness, to be a member of the University's Law Review, a periodical in which the law students write on the impact and significance of the law on the problems of today. He was also a member of the Order of the Coif, evidence of scholastic eminence. In his 15 years as a judge, where he also served as Presiding Judge in the Orphan's Court Division of the court, along with work in the Criminal and Civil Divisions of the Court, he has demonstrated his capacity for hard work. His community activities are wide and diverse and demonstrative of his interest in young people and the elderly. I understand he is a musician of the first waters. Although I haven't yet heard him, I am looking forward to being entertained with one of his clarinet solos.

It is a great honor, and it gives me great pleasure, to administer the oath of office to Judge Rowley, and if all will now stand, I shall proceed to administer the oath to our new judge.

The Oath of Office was administered to Judge Rowley by President Judge William F. Cercone of the Superior Court of Pennsylvania.

Judge Rowley's wife, Ruth Agnew Rowley, then placed his robe on and Judge Rowley was escorted to the Bench by his brother-in-law, Robert J. Agnew.

HON. VINCENT A. CIRILLO: President Judge Cercone, President Judge Sawyer, fellow judges of the Superior Court, distinguished Pennsylvania jurists, Judge Rowley and Mrs. Rowley, Attorney and Mrs. Daniel Rowley, friends and admirers of Jim and fellow Pennsylvanians:

How proud Beaver County must be today that one of its favorite sons is being elevated to the Superior Court. How proud all of Pennsylvania is that such a fine, experienced jurist is taking his place on the appellate court. He brings with him to the Superior Court a wealth of experience and knowledge. He has a great reputation as a former trial lawyer, a former special assistant attorney general and as a Common Pleas Judge of Beaver County for over fifteen years.

Unlike judges from large cities who have an expertise in one narrow field of the law, Judge Rowley has served in every division of the courts in Beaver County and brings this wealth of experience with him as he serves the people of this great Commonwealth. His peers have honored him by making him co-chairman of the Ethics Committee of the Pennsylvania Conference of State Trial Judges and placed him on the Judicial Ethics Committee of the American Bar Association.

He should be admired as a family man. He has raised a son who has followed in his footsteps and has become a skillful trial lawyer.

I knew Judge Rowley only casually through the Pennsylvania Conference of State Trial Judges until we began campaigning together throughout the Commonwealth of Pennsylvania this past year. We have become close friends. When I campaigned in western Pennsylvania, I stayed with him and his lovely wife Ruth; and when we campaigned in eastern Pennsylvania, Jim stayed at my house—therefore, I feel I know him well.

As he addressed the voters of Pennsylvania at the various political gatherings, he acquired the nickname of “Plain Talk,” because while he is not vociferous, while he is not boisterous, the public understood what he said to make common sense. He has answers to the many problems which confront our appellate courts and our common pleas courts; and with his tireless efforts and his facility for work, the Superior Court will be one court which will not have a backlog in the near future.

The people of Pennsylvania thank you of Beaver County for giving Pennsylvania your favorite son. Not only are you proud of him, but the tremendous vote he received in the November election proves all Pennsylvanians are proud of him.

Good luck, Judge Rowley, and may you have a long and distinguished career on the Superior Court.

Judge Sawyer introduced the Honorable Justin M. Johnson, Judge of the Superior Court of Pennsylvania.

HON. JUSTIN M. JOHNSON: Judge Cerone, Judge Sawyer, distinguished guests and members of Judge Rowley's family.

Thank you for the privilege and honor of participating in this important occasion upon the induction of Judge Rowley to the Superior Court of Pennsylvania. I am impressed with the record which Judge Rowley has made here in Beaver County, as recounted by his colleagues and friends.

Although I did not have the honor of appearing before Judge Rowley during the time of my private practice centered in Allegheny County, I can report to this court that his reputation as one of the superior trial court judges in the Commonwealth is well known and accepted by both the bench and bar throughout southwest Pennsylvania and the state generally. I have known persons who have been fortunate to have had Jim Rowley, and his father, as their attorney in civil matters, and it will come as no surprise to you to learn that he is regarded as a lawyer of the highest integrity, outstanding legal ability, and a humanist in all his dealings.

I was particularly delighted to hear the remarks of Judge Rowley's son which confirmed the strong, loving relationship which exists within the Rowley family.

I have only been on the Superior Court for a period of one year, but I have come to understand and cherish the feeling of collegiality and mutual respect held by the members of the court. The outstanding leadership of President Judge Cercone will permit us to continue the important task of dispensing justice, even in the face of a serious and mounting caseload. The addition of Judge Rowley to our court will insure that this work proceeds in a highly professional manner to benefit the citizens of this Commonwealth.

Judge Rowley, you and your family have our heartfelt prayers and best wishes as you continue your distinguished career in this new position. The Commonwealth is indeed fortunate to be able to continue to receive your services.

Thank you for permitting me to be present to honor you, a man

in whom we are all well pleased.

Remarks by Judge Rowley were presented:

HON. JAMES E. ROWLEY: Thank you Judge Sawyer, Rev. Cellini, Rev. Carson, my distinguished colleagues of both the Common Pleas and Superior Court benches, elected state, county and local officials, officers and members of the Beaver County Bar Association and friends.

First, I would like to thank all of you and to express our deep sense of appreciation to each one of you who has taken the time to join with us, with Ruth and I, and with all of our family on this special day that we will long treasure and remember. Your presence here today, and your kind and generous support through the years are valued by us far more than I can put into words. To paraphrase Ralph Waldo Emerson, "We didn't find our friends, the good God gave you to us." It would of course, be foolhardy, at a time like this, to single any one person or individual out by name for special thanks or recognition. And so to all of you, thank you again!

Having said that, I am going to single one person out, and I hope that you will indulge me, and that she will forgive me! Many of you are already aware, I'm sure, of the tremendous effort, the tireless work, the minute attention to details, the unfailing inspiration and the inexpressible patience with me, that my wife, Ruth has exhibited [and some of you know it was not only this year, but for the past 32 1/2 years]. I can assure you that any congratulations, any good wishes [and any sympathy] extended to her is more than richly deserved; so to her, I give a *special thanks!*

I am, of course, looking forward to joining President Judge Cercone, Judge Johnson, my colleague and good friend, Judge Cirillo, together with the other members of the court, in the work of the Superior Court. I must confess, however, that today is not without a touch of regret. Over 15 years ago, when I had been a trial judge for less than 2 months, an older, and a wise trial judge, who has since passed away, told me that being a common pleas judge in the Commonwealth of Pennsylvania provided the greatest opportunity to do good, and was the most rewarding and satisfying position in the legal profession, if one applied himself, or herself diligently, conscientiously, and compassionately to the problems that people

brought to the court for solution. And I have found the past 15 1/2 years to be rewarding and satisfying; in part, I suspect, because he was right; also in part because of the high quality of professionalism and integrity exhibited by the members of the bar who have practiced before our court here in Beaver County; but also, I am sure, because of the qualities and characteristics, both professional and human, of the members of this bench that I have had the high honor and good fortune to practice before, and to work with. I am more convinced than ever that the term, "tradition of excellence," which has been used at times to describe our predecessors, was truly earned by them, and is richly deserved by my colleagues here with whom I have engaged in many rewarding moments in these 15 plus years. So, I must confess, to the Judges of the Superior Court, the events of November 3 have not entirely altered my concurrence with the opinion of my elder friend expressed over 15 years ago.

However, those feelings do not diminish in the least a sense of eager anticipation to join in the work of the Superior Court. As had been mentioned here, the Superior Court was first established 86 years ago in response to "a great increase in the number of cases" appealed from the trial courts. Last year, the legislature, in light of a similar condition that confronts the appellate court system in Pennsylvania today, increased the number of Judges on the Superior court from 7 to 15. I join with Judge Cercone and the other judges in thanking them for their legislative wisdom. In spite of the increase in the number of judges, however, that court, as I understand it, is still inundated with work. Not only has there been a litigation explosion at all levels of the judicial system, and not only are an increasing number of appeals being filed, the jurisdiction of the Superior Court has been vastly expanded and enlarged. Many cases that formerly were appealed directly to the Supreme Court from the trial courts must now be heard by the Superior Court and in the vast majority of those cases, the decision of the Superior Court will be final. I do not often presume to speak for anyone else, especially another judge, but, I know that I speak for Judge Cirillo, as well as myself, when I say that our full efforts and our complete cooperation are pledged to President Judge Cercone and our colleagues already on that court to a total effort to solve the problems created by such a vast caseload, without

in the slightest way diminishing the quality of work trial judges, lawyers, litigants and the public expect from the Superior Court. I know that efforts in that direction have already been instituted under Judge Cercone's leadership and that more are contemplated. For this reason alone, I believe this is an exciting time to be joining the court. But there are even greater reasons! I think that it is well for us to remind ourselves, periodically, that courts exist for one essential reason, that is to provide a forum for citizens to resolve their disputes with each other and/or with their government, in a calm, reasoned, objective and impartial atmosphere, without resort to violence, or anarchy. It is the duty and responsibility of the courts to search for and achieve, insofar as it is humanly possible, a "*just*" resolution of such disputes, that is, a resolution that is consistent with rules of behavior or conduct [laws] that have been established by the people of the Commonwealth, acting through their elected representatives in the Legislative and Executive Branches of our government. In contemplating the scope and dimension of that responsibility, I think that Judge Wieand, when he was sworn in as a Judge of the Superior Court about one year ago said what many of us feel, but find difficult to express as well as he did.

"The responsibility of the Superior Court is indeed the achievement of justice through reason called law... This is not a goal easily achieved or a challenge ever to be taken lightly. It imposes on each of us a responsibility which is far deeper and more weighty than merely taking your duties seriously or wanting to be right. Perhaps it lies, as it should for all Judges, in the knowledge that our decisions in some way become a part of the huge fabric which is the moral law by which mankind is governed."

I am looking forward to that challenge. We live in a rapidly changing and increasingly complex society; we are being confronted by new problems and old problems in new circumstances. The legislature passes new laws in response to those problems and the Executive Branch proposes, modifies, or eliminates old programs and adds new ones. *Inevitably*, tension and conflicts arise. When they do,

the persons involved turn to the courts to resolve them. The search for that “*just*” resolution, as described by Judge Wieand, presents the opportunity to participate in strengthening that governing fabric so that the lives of *all* people may be more secure, peaceful and serene. I feel privileged to have been given the opportunity by the people of Pennsylvania to participate in that endeavor and look forward to it. In conclusion, let me once again thank all of you for your many kindnesses and courtesies to me and to my family.

Samuel C. Holland, Esquire, President of the Beaver County Bar Association, extended the congratulations of the Beaver County Bar Association and invited all persons present to a reception to be given by the Association at the Beaver Valley Country Club.

The Benediction was pronounced by Reverend George W. Carson, Pastor, Trinity United Presbyterian Church, Beaver Falls, Pennsylvania.

INSTALLATION
of
JUDGE JAMES E. ROWLEY
as
President Judge

Monday, January 14, 1991

10:30 A.M.

Courtroom No. 1
Courthouse Annex
Beaver, Pennsylvania

PROCEEDINGS

HON. VINCENT A. CIRILLO: The Superior Court of Pennsylvania is convened here today in Special Session to install the fifteenth President Judge of the Superior Court of Pennsylvania and only the second elected President Judge of the Superior Court of Pennsylvania. On behalf of the Rowley family and the friends of the Rowleys, I welcome each and every one of you to this convocation and installation today. We appreciate your being here. It is a great day for the Superior Court and an even greater day for the people of Pennsylvania. The Rev. Hugh W. McClure III, of the First Presbyterian Church of Beaver, Pennsylvania, will give the invocation.

REV. HUGH W. MCCLURE III: Let us pray. Almighty God, You who are the creator of the world and the father of nations, we praise Your name for the United States of America and for the Commonwealth of Pennsylvania. We rejoice in the fact that our forefathers created a system of government to include the legislative, the executive, and the judicial. On this particular day we give You thanks for the court system of this nation, the Constitutional creation designed to interpret the law justly for all citizens. We are grateful this system properly takes its place in the state and the county as well as the federal and that all citizens can receive justice in a land of judicial integrity. We express gratitude for all justices and judges and on this special day in the courtroom we pray for the Hon. James E. Rowley as he is installed as President Judge of the Superior Court of

Pennsylvania. We ask to endow him with wisdom and insight, fairness and justice, integrity and honor to the end, O God, that his service to You, to the state and to the people may bring honor to You. We solemnly pray today, Oh Lord, for peace in Your world. We pray for peace and justice for all. By Your sovereign power, Eternal God, move in the hearts of all world leaders. We thank You for President Bush, for the man that he is, for the courage that he shows, and we pray for the decisions that he will make. We pray through Jesus Christ our Lord. Amen.

(Whereupon, Samuel C. Holland, Esq., leads the audience in the Pledge of Allegiance.)

HON. VINCENT A. CIRILLO: We take this opportunity to call on Charles M. Marshall, Esq., President of the Beaver County Bar Association.

CHARLES M. MARSHALL: May it please the Court. It is a great pleasure for me and an exciting time for Beaver County to be able to take part in the installation of Judge James E. Rowley as President Judge of the Superior Court, a great pleasure because we have never given up Judge Rowley. We can still consider him one of our own. I can only refer to Judge Rowley with respect to some matters that are personal to me and I think that if you were to canvas the Beaver County Bar Association you would find everyone in the Association has the same types of memories of Judge Rowley.

When I first was admitted to the practice of law long years ago it was necessary to appear before a local Board of Law Examiners to have your qualifications properly approved and take the bar exam and later to be admitted to practice. When I was admitted to practice, Judge Rowley's father was Chairman of the Board of the local Board of Bar Examiners. And I remember that I had to go to his office and have a paper signed and that busy man treated me with great respect far beyond which I then deserved. He also introduced me to his son at that time and he also treated me with great courtesy and respect. Later when I came to practice I found that Judge Rowley's integrity and honesty were beyond reproach and even though he exceeded me in intellect and skill he never took advantage of those things. He was more interested in justice than taking advantage of an inexperienced young lawyer.

When he ran for judge I had the occasion to have a small part in that and that was a very easy task because every place you went Judge Rowley was well liked and it made it an easy job. When he became a judge he went on the bench that we considered one of the best in Pennsylvania and has a long history of excellence and he added to that and made continued excellence a part of this Court. However, the thing that marked the man is that although he never allowed the friendship with the lawyers to interfere with his duties as judge, he still remained our friend. Later, my father had the honor to serve as Judge Rowley's tipstaff and a matter that my family will forever be grateful to Judge Rowley for is that when my father died, Judge Rowley, a very busy judge, kindly consented to and did act as pallbearer at his funeral. We are proud of the fact that Judge Rowley has gone on to distinguish himself with the Superior Court and continues to show that high degree of excellence for which we knew that he would provide to the Court. So I would ask that we be forgiven in Beaver County if we bask somewhat in that reflective glory.

I would like at this time to welcome all of you to Beaver County. We are very proud of our county and very proud of our Courts and we are glad you came here and we are excited Judge Rowley has chosen Beaver County to be installed. I would like to recognize a few people. I didn't see Bernie Goldstone. Is he here? If you would rise when I mention your name but please hold your applause because we might be here until well past lunch.

The Hon. Richard B. DiSalle, former Judge, Court of Common Pleas, Washington County, Commonwealth Court and Superior Court. Is Mrs. Sohn here? No? The Hon. Ralph F. Scalera, former President Judge of Beaver County, former Judge, Federal District Court of the Western District of Pennsylvania. Hon. Beryl Klein, former Judge of Beaver County. Mr. James Albert, Commissioner, Beaver County. Mr. Roger Javens, Commissioner, Beaver County. Kenneth Campbell—I didn't see whether Kenny came in or not. Betty Diciccio, she is a Beaver County Jury Commissioner. Judge Enslin, our Clerk of Courts of Beaver County. Theresa Ferris-Dukovich, Beaver County District Attorney. Michael Jackson, Prothonotary. Nancy Loxley, also a Beaver County Jury

Commissioner. William B. O'Neil, our Recorder of Deeds. Frank Policaro, our Sheriff. Wayne Tatalovich, our Coroner. Lois Wood, Register of Wills. Joseph Cabraja, Beaver County Court Administrator. Edward Colonna—I thought I saw Ed here—Adult Probation. Wayne Lipecky, Public Defender of Beaver County. Chester Szurley, Director of Elections, Beaver County. Domenic Teny, Warden, Beaver County Jail. And last but not least, Ms. Nancy Sobolovitch, Court Administrator of Pennsylvania. And also an old friend, Mr. Royal Hart, former Warden, Beaver County Jail, Chief Clerk, Philadelphia Traffic Court.

I do also have a gift for you, Judge Rowley, as a token of the appreciation of the Beaver County Bar Association for your long association, and I don't think I can get up there to give it to you so I will at the luncheon later. Thank you very much for this opportunity to share in your elevation.

HON. VINCENT A. CIRILLO: The next speaker will be Melvin B. Bassi, close personal friend of Judge Rowley's. They both attended Washington and Jefferson College and studied together. I believe Mr. Bassi is Trustee of Washington and Jefferson. The two of them attended the University of Pittsburgh together at the law school and studied together. Over the years they became close personal friends. Mr. Bassi is a very successful lawyer here in Beaver County—or Washington County—and he has his own practice in Charleroi, Pennsylvania, where two of his four sons practice with him. He is also a President of the Charleroi Federal Savings and Loan Association and he does a great deal of other things I won't go into, but they keep him very busy; social activities and his dedication to his community. Mr. Bassi.

MELVIN B. BASSI: President Judge Cirillo, eminent Jurists of the Superior Court, Judges of the Commonwealth and Common Pleas Court and all friends. The ability of any society to govern itself depends upon the quality of the people who occupy its most sensitive offices. Under the tri-part system of government that we currently enjoy there is no office that is more sensitive than the judiciary for it is this office that breathes life into the philosophical concepts of justice. It preserves the Constitutional freedoms that we have been guaranteed. It adjudicates both small and large civil wrongs. It

protects the innocence of its defendants and preserves the rights of society to punish its criminals. It has the ability to reach out and to dispense justice to the rich and the poor alike. It is not to bow in homage to the media and it does not surrender its independence to public opinion but rather it is the slave to its independence and its intellect.

If you will forgive me, I was reading Socrates the other day and ran across a comment that he had made regarding the qualification of a person to judge, a judge in the Grecian society. He said that a judge must be able to listen courteously, he must be able to answer wisely, he must possess the ability to consider soberly and he must judge impartially. I would submit to you that over the last ten years the Superior Court has been an outstanding example of the best in jurisprudence not just in Pennsylvania but in this country under the able leadership of Judge Cirillo and now to lead this Court into the next decade this Court has chose James E. Rowley to serve as its President Judge. From the remarks that Judge Cirillo has made I am sure you now know that I am well-acquainted with Judge Rowley and he and I were students together for more years then we believed possible. And in that labor in which we sought to become lawyers able to practice in the Courts of Pennsylvania, I knew early on in our law school career and confessed to him that he would someday be on the bench. He was an outstanding student who had an incisive mind and was, unlike myself, an advocate. He was always fair and he was even-handed and had ability to cut through complex situations in order to arrive at the heart of every matter. The confidence of the public in Beaver County let him rise to the stature of a judge in this county and his performance here was outstanding and brilliant. It was quickly recognized by the citizens of the Commonwealth of Pennsylvania when he was promoted then by election to the Superior Court.

He not only has been an outstanding lawyer and a brilliant jurist but he has been a family man, and today we honor Ruth Rowley, Dan and his family, for whom Jim has shown the same dedication that he has for the laws and that is not easy. More, Jim has been a loyal friend and he is one who has not forgotten his origins or how he got where he may be. The appearance of those in this courtroom adds testimony

to the wisdom of the judgment of the Superior Court in producing the second elected President Judge and lends far more credibility than anything I might say. I will add, however, that your action in electing President Judge-Elect Rowley to the position of President Judge assures the entire Commonwealth of a steady, of a firm, of an intellectual approach and effectual control in the development, utilization and direction of this Court. President Judge Rowley epitomizes not only a lawyer's idea of what a judge should be but the common man's conception of a just and fair jurist. If there were one thing I would suppose, I would hope that I would believe that will occur, it is in the same vein that the Prophet Micah from the Old Testament when asked said of his role, he said, "What does the Lord require of thee but to do justice, to love mercy and walk humbly in the ways of thy God," and that's our prayer for Judge Rowley.

HON. VINCENT A. CIRILLO: The next speaker is Charles F. Bowers, Jr., a highly-respected trial lawyer in Beaver County and throughout the State of Pennsylvania, a member of the Beaver County Bar Association who has been very active in this activity, a member of the Pennsylvania Bar who has taken part in the Pennsylvania Bar activities. He has been a close friend of Judge Rowley's. I met him years ago when Judge Rowley, ten years ago in fact, when Judge Rowley and I were canvassing Pennsylvania and he acted as one of our campaign managers here in Western Pennsylvania. Good friends, he knows Him. I'm happy to introduce him to you. Charles Bowers.

CHARLES F. BOWERS, JR.: Judge Cirillo, distinguished jurists, fellow lawyers and honored guests, ladies and gentlemen. On November 2nd, 1967, the Editorial Board of the Beaver County Times had occasion to assess the qualifications and performance of a new and untried judge to our bench here in Beaver County. That editorial stated: "A judge should be above all reproach. He should be unbiased and impartial, honest and fair. He should be dedicated to the preservation of the American system of law and order. He should be a staunch man of equal justice under law regardless of race, color or creed. A judge should be skilled in the law, should be experienced in the legal profession. He should have the respect of fellow members of the Bar. All of these attributes so necessary in the field of

jurisprudence are possessed by Judge James E. Rowley who has sat on the bench of Beaver County Court of Common Pleas for sixteen and a half months.”

Twenty-three years later I think it is apparent to all of us that this early appraisal has held up remarkably well. Judge Rowley has certainly fulfilled the potential of that early expectation. And what was known then by those of us here in Beaver County is now known and appreciated I think by all people in the Commonwealth who come before or have any contact with the court system. But to the lawyers and friends here in Beaver County the qualities of Judge Rowley go beyond that and have produced judicial excellence. These are qualities of leadership, understanding and compassion, loyalty and friendship. To an entire generation of law clerks he has been a teacher, a mentor, a confidante and an inspiration, and by and large most of his law clerks have gone on to successful litigation careers. To a generation of lawyers here in Beaver County he has been a colleague who is never too busy to give of his time, his advice, his counsel, his assistance and his understanding of all matters not only professional but for many, many of us personal as well. He has made us better lawyers by his example and he insisted that we attempt to achieve excellence. But that insistence was done with personal warmth, wit and compassion that made that striving for us here more palatable. But most of all Jim Rowley has been and continues to be our friend and colleague and as your friends and colleagues of the Beaver County Bar, you make us extremely proud by your accomplishments and today we wish you well as you begin your tenure as President Judge of the Superior Court. However, we expect to see you occasionally at lunch, we expect to see you at the Bar meetings, and most certainly at the golf outings because only at the golf outings we can be absolutely assured of success in our endeavors! We wish you well.

HON. VINCENT A. CIRILLO: Our next speaker is the Hon. Robert C. Reed, President Judge of Beaver County Court of Common Pleas. Prior to his election he practiced law with President Judge Rowley and when Judge Rowley became a judge of the Court of Common Pleas of Beaver County in 1966 he practiced law before Judge Rowley. They became great friends. Judge Reed was a District

Attorney of Beaver County. He tried one of his most famous cases, murder cases in Pennsylvania dealing with the death sentence and insanity plea in a murder case and made new law in Pennsylvania. He tried that case before our President Judge when he was a Common Pleas Judge. He and Judge Rowley worked closely together when Judge Reed became a judge in the Court of Common Pleas until 1982 when Judge Rowley was sworn in in this courthouse as a member of the Superior Court. It is with great honor that I introduce Judge Reed, President Judge Reed.

HON. ROBERT C. REED: I thank you, Judge Cirillo, Judge Rowley, distinguished members of the Superior Court and the Commonwealth Court, my distinguished Common Pleas brothers who are seated across the room from us and all of the other distinguished assembly. First let me welcome this group here on this memorable and historic occasion in Beaver County. We recognize that the presence here of all the judges and the other distinguished guests is a tribute to Judge Rowley and a sign of the respect and high esteem in which he is held by his colleagues and by the members of the community and all those persons who know him. We are all very proud of our friend and former colleague and we offer our congratulations to him and his family on his election of President Judge of the Superior Court.

I still remember, although my memory is fading in my advancing years, Judge Rowley when he was elected, when he was appointed and when he was elected. In 1966 he was appointed. In 1967 he was elected to the Common Pleas Bench. And I had the privilege of practicing before him at that time and it was privilege. You could always count on being treated fairly and if you knew what you were doing you always did it. If you didn't, you might not be all right. He was retained in 1977 for another ten-year term and I was fortunate enough after I got elected in 1974 to have the privilege of serving on the Common Pleas Bench with Judge Rowley. And all of you know and you have heard and you will hear from other people that he was an excellent trial judge, diligent and competent and dedicated to the principles of justice and the fair and impartial administration of our Court system. And on a personal basis I can tell you that it was nice to have somebody when I came on the bench to

be able to get some information from, to pick his brain, to benefit from his knowledge of the law and from his common sense and the way he applied it and I will always appreciate that. And, you know, it's been since 1982 Judge Rowley has been on the Superior Court. It's hard to believe it's been that long, it's hard for me to believe, and all of us here in this county and particularly my colleagues and I on the Common Pleas Bench have followed Judge Rowley's career with pride and with great interest. Nobody has mentioned yet his service to the Judicial Inquiry Review Board, obviously a thankless job, which he did with integrity and gave credibility to that body which it certainly needed. Everybody knows here that the judges all go to lunch together. Everybody in this county knows that and we still have the good fortune to have Jim join us when he is available and when he is in town and once in a while we get an advisory opinion from him.

Speaking of his opinions, when they come out in the advance sheets all of us pay particular attention to them and, of course, they are always lucid and concise and well-written and based on sensible reasoning. I want the other members of the Appellate Court here to know that the judges in Beaver County—I don't know about these other guys from Allegheny County—the judges in Beaver County, we read the advance sheets and we read all of the opinions of the Superior Court with great care but we pay particular attention to Judge Rowley's. Somebody mentioned the Superior Court has an excellent reputation now and we are proud to be a part of the judicial system, the Superior Court, one of our Appellate Courts, and we know that with Jim Rowley as the President Judge that that reputation will continue and his leadership will not only enhance that, it will continue, but enhance that reputation. And we take great pride in Beaver County that the members of the Court have chosen Jim as their leader to serve them as their President Judge.

Now I don't really have any sage advice to give about being President Judge. I know what my colleagues tell me about what being President Judge is, what my primary function is, is to make the associates judges happy. That's what they tell me. Now I don't know if that's what you will do but that is my suggestion. Again, we offer our congratulations to Judge Rowley and his family. We want you to

know we are extremely proud of your accomplishments and we wish you success. Thank you.

HON. VINCENT A. CIRILLO: Our next speaker will be John A. Carpenter, the President of the Pennsylvania Bar Association, former Vice-President of the Pennsylvania Bar Association, former member of the Board of Governors of the Pennsylvania Bar Association, former President of his own Bar Association in Northumberland County, Pennsylvania and for those who don't know where Sunbury, Pennsylvania is, where our President of the Bar Association hails from, it is from along the Susquehanna, north of Harrisburg, way north. The county is sandwiched over there along the Susquehanna River right next to Columbia County and I mention where it is located because it's been snowing upstate and I know how difficult it's been for our President to come down here to pay his respects to our President Judge and I know he loves Jim Rowley. Jim's been active with the Pennsylvania Bar and he got to meet our President and we have been away together for Bar Association functions and we have talked about the law, we have talked about the lawyers in Pennsylvania, the judges, the Disciplinary Board, and I know Jim respects President Carpenter and President Carpenter respects our President Judge and Beaver County, not only the Superior Court, but Beaver County wants to thank you, President Judge—or President Carpenter, you're not President Judge yet—for taking time out of your busy schedule. We know that you visit neighboring states for their festive occasions and we know you visit every bar association in sixty-seven counties in Pennsylvania. And we are indeed fortunate to have you here today to pay tribute to our new President Judge. President Carpenter.

JOHN A. CARPENTER: Judge Cirillo, Judge Rowley, members of the Superior Court, of the various Courts and guests. Yogi Berra said, "Predictions can be very helpful, especially if they are about the future." We celebrate today in the life of James E. Rowley and in the history of the Superior Court of Pennsylvania what is predictable. I come here today not only in my official capacity as President of the Pennsylvania Bar Association, but also as a long time admirer of Judge Rowley's friendliness, his gentle spirit and judicial temperament, his courage and leadership, his yeoman service in the

state's legal waters and perhaps most of all his example to those of us in this profession. His has been a rich and full legal life which you have heard began at Washington and Jefferson College and then on to Pittsburgh School of Law and then blossomed here in Beaver County where he served as a very popular judge on the Court of Common Pleas for almost fifteen years. His fans here in Beaver County I understand reluctantly allowed him to run for the Superior Court in 1981 and the local newspaper at that time said that Beaver County's loss would be Pennsylvania's gain if Judge Rowley were to be elected to the Superior Court.

An expert manager, Judge Rowley tackled the subject of case backlogs in the Superior Court during that 1981 campaign and said the Superior Court operation should be streamlined and in the interest of better serving our citizens he advanced the cause of stamping out frivolous and ridiculous appeals, an idea we believe is still relevant today more than ten years later. Today Judge Rowley and his colleagues on the Superior Court Bench under the fine leadership of Vincent Cirillo have attacked that backlog and stand as an example and a proof test for every Appellate Judge in the United States of America.

Joe Hildenbrand said that very few people do anything creative after the age of thirty-five. The reason is that very few people do anything creative before that age. But not so with this man. Judge Rowley's legal life led him also into a swirl of controversy, something that really marvels those of us who know him as the reserved and respected man that he really is. Who would have guessed, for example, that during his tenure as Chairman of the Judicial Inquiry and Review Board, that state judicial watchdog agency, he would make his mark as an aggressive leader, unafraid to unmask the wrongs he saw performed by some of his colleagues. During his years with JIRB, the acronym for the Review Board, the Board shed its image of being a toothless tiger and instead it took the lead in the disciplining. It involves itself in controversial investigations such as the Roofer's during which the Board investigated sixteen judges and recommended suspension for fifteen of them from the bench. In addition to espousing more aggressive tactics of judicial discipline, Judge Rowley also became a strong voice for lifting the cloak of

confidentiality that the State Constitution drapes over that Board's activities. A proponent of open government and the people's right to know, Judge Rowley told the Pennsylvania Bar Association's magazine in 1987, "You cannot conduct democracy in secret."

Jim Rowley is a man whose life's devotion to the law earned him the first Pennsylvania Bar Association's Judicial Award in 1988, an honor we were proud to bestow upon him for his unquestioned dedication to the highest legal standards and preservation of a sound judicial system. His humility in accepting that award almost rivaled that of Jack Benny. Jack Benny received an award and Benny was heard to say, "I don't deserve this award, but I have arthritis and I don't deserve that either."

Judge Rowley has given extraordinary service to professions including working here in the Beaver County Bar Association, the Pennsylvania Bar Association, the American Bar Association, and the Judicial Administration Division and the American Judicature Society. At the PBA, the Pennsylvania Bar Association, he still remains a good and active friend, a familiar face at our meetings. This is a tremendous example of encouragement to our profession as well as a great public relations tool for the Superior Court of Pennsylvania. In fact, in the interests of promoting professionalism Judge Rowley has even created and led well-attended seminars for lawyers who practice before the Superior Court. Described by his colleagues as an extremely conscientious man, his friends of the Beaver County Bar tell of his penchant for personally proofreading his opinions published in the Legal Journal. Much to the chagrin of the editors I understand he often finds an error and makes sure it is corrected before it is bound for good. He has been heard to say, "I have never seen a typo I haven't fixed," which means that he would personally and most assuredly take issue with William Sapphire's statement, "Is sloppiness of speech caused by ignorance or apathy? I don't know and I don't care."

Very active in the local Presbyterian Church where his wife Ruth is an Elder, Judge Rowley has always portrayed a sense of community spirit and responsibility. I understand that he is also a man of musical talent and we should ask one who's heard him play with his merry band of Aliquippa minstrels. This very well-rounded

man also has inspired future generations in the career of law. This inspiration has manifested itself in his own son, Dan, who currently practices with a Washington D.C. firm and from my association with the next generation, James Elliott Rowley II, in my brief encounter sitting up here, I do presume that perhaps the love of legal life will find its way into his life and perhaps that of Dan's other child.

One of the deep concerns that weighted on my heart this year as President of the Bar Association is the image of the Pennsylvania lawyers because I feel just as boys need heroes I am convinced that we as lawyers need examples of what a lawyer should be. There was such a man in my life and I am satisfied that his example has not only made me a better professional but also a more sensitive and caring human being. Since I have come to know Jim Rowley I see him as another prototype of what a lawyer should be, how a lawyer should practice, how clients should be served, how other lawyers should be treated. When I visited recently with the leadership of his own bar association here in Beaver County, those with whom he practiced and then subsequently those whose cases he judged, I saw that affection, I saw that reverence. It was to me a rather impressive confirmation of the judgment that I have personally pronounced on this man. But this must also be said so that we can be perfectly forthright about Jim Rowley. It was not until while he slept the Lord took from him a rib and made for him a Ruth, that he had any chance of making himself of any worth to the rest of us. I do believe that if we were to clone Jim Rowleys for distribution throughout this Commonwealth as an example of what the image of the Pennsylvania lawyer should be, we would have to make, manufacture and distribute Ruths in the same package.

Judge Rowley, as you enter this new and heavy responsibility, we recognize that it is a new responsibility and it is a heavy one. When I spoke at Judge Robert Byer's inauguration or installation on the Commonwealth Court, I admonished him to carefully follow the direction on the Hellman's Mayonnaise jar label; that is, keep cool but do not freeze. And I wanted to add to that advice to you today and suggest in your most burdened moments that you remember to not take life too seriously, you'll never get out alive.

Judge Rowley, yours has been a career of distinguished,

courageous service to the citizens of this state and laws of the government. I am really quite humbled and ever proud to have you and Ruth as our friends not only from the point of view in the perspective of the Pennsylvania Bar Association, but also to me personally. May your tenure as the Judge of the State Superior Court be one guided by continued sense of compassion and commitment to see that the weak are physically comforted, the strong are morally guided, and the discouraged inured with the hope that overcomes despair.

HON. VINCENT A. CIRILLO: I'd like to take this opportunity now to tell you about my friend Jim Rowley. I knew Jim from the Pennsylvania Conference of Trial Judges when we were both trial judges. I didn't get to really know him until 1981 when he and I campaigned criss-cross the State of Pennsylvania and visited sixty-seven counties to carry a message to them, to the people of Pennsylvania, that we intended to accomplish if we were elected to this great Court, the Court that Jim and I both love very dearly and that is one of the big qualifications he has for being President Judge. He loves this Court, not as much as he loves his family, but he loves this Court and that love sits right behind his love for family. But I heard him say time and time again the words Judge or President Carpenter quoted about wanting to get rid of the backlog, how Pennsylvania had a Superior Court that took them six, seven years for some cases to decide, many cases, two, three, four years old, and how he adopted that cliché, that legal cliché, justice delayed is justice denied, and how he would promise the people of Pennsylvania to do all in his power to make sure that they had prompt, swift justice and he has done that. I was amazed at how hard he worked. He is disciplined, dedicated, and on our Court he was appointed to the Judicial Review Board and the Board quickly made him its chairman. He never realized at the beginning how much work that would be, but a dark cloud hung over the Pennsylvania Courts and Jim Rowley was spending over fifty percent of his time with the Judicial Review Board and yet he wrote his share of opinions. Every case that was assigned to him he wrote opinions on and over the last ten years he has averaged over two hundred opinions a year that he has written and decided. He did that in spite of his other activities. I know how

much paperwork is going to cross his desk in the next five years. He can handle it. He will be a great President Judge because of that discipline. That basic integrity that he has, his sense of fairness is one thing I like about Jim. He always knows how to say no when it's time to bite the bullet. If I had to put in perspective Jim's three great loves, I'd say first would come God. He has a fear of God and a respect for Him. Second would come his family. How he loves those two grandchildren of his. I thought he would go into orbit when his namesake, James E. Rowley II, was born. He spends a great deal of time with Dan, his son and his daughter-in-law. And Ruth and he give them quality time whenever they can. And as I said, I think his third love is the Superior Court. I know those things about Jim because I have lived with him. When we campaigned together he lived in my house. When I was out here in Western Pennsylvania I lived in his house. When you live with somebody you get to know them. He is a good man, real good man. Pennsylvanians love him, members of the Court love and respect him. He will carry out the duties assigned to him as President Judge. I am sure he will pass on many duties to all of us and keep this Court current and one of the most respected Courts in the United States.

To assist our New President Judge I'm going to introduce those judges who are here. Senior Judge in our Court, James R. Cavanaugh, Judge Donald Wieand, Judge Stephen McEwen, Judge Joseph Del Sole, Judge Frank Montemuro, Judge Phyllis Beck, Judge Patrick Tamilia, Judge Justin Johnson, Judge Joseph Hudock, Judge Kate Ford Elliott. When we talk about senior judges, when I mentioned Judge Cavanaugh, I meant that he was senior in commission on our Court. Talking about senior, we have an eighty-nine year old judge in our Court who writes as many opinions as any other judge in our Court and I want him to stand up, Judge Harry Montgomery. Not quite eighty-nine, but he is up there, another Senior Judge, Judge J. Sydney Hoffman. Another Judge, Judge John Brosky.

Judge Rowley reminded me that our chaplain on our Court is Judge Brosky and I didn't call him one of the Senior Judges. I still feel he is close to my age. He is also our photographer. Wherever we go Judge Brosky has a camera with him. We named him historian of the Court and when he was commissioned he was also our secretary.

We are indeed proud to have with us on this occasion the Commonwealth Court Judges who traveled a great distance to be with us here today: Judge Robert L. Byer, Judge James R. Kelley, Senior Judge Emil Narrick.

The Court could not work just by having judges write opinions and hear arguments without the help of administrative staff. From all over Pennsylvania our administrative staff came here today to honor our new President Judge. We have with us the Administrative Assistant to the Superior Court, Marie Barnhurst; the Prothonotary of Superior Court, David Szewczak; Chief Staff Attorney for the Superior Court, Kurt Clawson; Legal System Coordinator, Charles Thrall; Superior Court Recorder, Kathy Bann; Deputy Prothonotary, Ellie Valecko; Superior Court Executive Administrator, Nicholas DiLorenzo; Assistant Staff Attorney, Ernie Gennecaro; Librarian, Nancy McGowan.

We are also honored to have with us—I guess you want me to do this, Judge Reed, your own Court?

JUDGE REED: Please.

HON. VINCENT CIRILLO: We have with us and already introduced President Judge Robert C. Reed. We also have Joseph S. Walko, Thomas C. Mannix, Judge Robert Kunselman, Judge Peter O. Steege, Senior Judge J. Quint Salmon, Senior Judge and former President Judge John N. Sawyer.

We are honored to have with us from Mercer County, President Judge Albert E. Acker; from Mercer County, Judge Francis J. Fornelli; and Judge Thomas T. Frampton. Also we have with us the President Judge of Jefferson County, Judge Edwin Snyder. We also have with us the President Judge of Allegheny County Court of Common Pleas and he is also President Judge or President of the Pennsylvania Conference of State Trial Judges, Judge Paul Zavarella. We have with us from Allegheny County, Judge Joseph M. James and Judge Jeffrey A. Manning, also Judge James McGregor of Allegheny County.

Present in the audience to honor our President judge are: District Magistrate John Armour from Beaver County, also Donald Eiler, Hugo Iorfido, Ross M. Keefer, Lewis Kirchner, Peter Loschavio, Stephen D. Mihalic and Martin Schulte.

Here to present the Commission of Office, two of the great loves of our President Judge are here, Daniel Agnew Rowley, Esq., President Judge's son, assisted by James Elliott Rowley, President Judge's grandson.

DANIEL A. ROWLEY: May it please the Court, even though I have done this four times before this time, they thought I needed an assistant. And I don't want to say my wife and I get suspicious that when my parents come and visit it's really to see the kids, but I have noticed Judy and I have thought that when we gave James the name James Elliott Rowley II that he really would be, but now he is five and he says he is James Rowley I. The only person that agrees with that is his grandfather.

So I would now like to read from the Governor's Office to James E. Rowley of the County of Beaver in the Commonwealth of Pennsylvania.

Greetings:

Whereas, A vacancy has occurred for the office of President Judge of the Superior Court of Pennsylvania;

And Whereas, You are now serving by virtue of a Commission from the Governor, as a Judge of the Superior Court of Pennsylvania,

And Whereas, In accordance with Article V, Section ten (d) of the Constitution of the Commonwealth, you were duly elected President Judge of the Superior Court of Pennsylvania by the Members of said Court on December 18, 1990;

Therefore, Know Ye, That in conformity of the provisions of the Constitution and Laws of the said Commonwealth, in such case made and provided, I do by these presents commission you to be President Judge of the Superior Court of Pennsylvania.

You are Therefore, To have and to hold said office together with all the rights, powers and emoluments thereunto belonging, or by law in anywise appertaining, from January 8, 1991 until January 8, 1996, so long as you shall remain a commissioned Judge of the Court, if you shall so long behave yourself well.

Given under my hand the Great Seal of the State, at the City of Harrisburg, this fourth day of January in the year of our Lord one thousand nine hundred and ninety-one and of the Commonwealth the two hundred and fifteenth. Robert Casey, Governor.

HON. VINCENT CIRILLO: At this time I will administer the Constitutional Oath of Office to President Judge Rowley and be assisted by James R. Cavanaugh.

I, James E. Rowley, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.”

Congratulations. Now that you have been commissioned in office and have taken the Constitutional Oath of Office I pass on this mantle to keep of your office as President Judge.

PRESIDENT JUDGE JAMES E. ROWLEY: I think I ought to quit while I’m ahead.

A few years ago I made a bad mistake. The Beaver County Bar Association, represented by Oran Panner, had invited me to a meeting to talk to them about Appellate practice. I was given ten to twelve minutes to speak. And one of the things I mentioned to them was the fact that the time allotted for oral argument before our Court was more than sufficient for any lawyer that had a legitimate appeal to spread it out and give us all that needed to be said. When I got done speaking that day Oran reminded me how much time I had taken in addressing the Bar Association which was considerable more than my ten to twelve minutes. But, Oran, you can put your watch away. There’s no time limit on me today. But I know everyone is anxious to get over there and I would just like to say to my grandson, you have earned a trip to Toys R Us this afternoon. He and I have a deal.

I want to first of all express to all of you who are here my deep gratitude and special thanks for the time you have taken to spend with us this morning on an occasion that does mean so much to my family and to the members of our Court. Each of you here has had a special meaning to us and each one of you by your relationship and by contacts we have made have been a particular influence on my life and the life of our family.

I want to thank the Bar Association, the members of the Association, for their attention to this program and for their generosity in hosting a reception at the conclusion of this for everyone. I want to thank President Judge Bob Reed and the other

Judges of this great Court in Beaver County for allowing us to use this beautiful new courtroom. It wasn't here a year ago or just over a year ago it started to be used. This building wasn't here when I was elected to the Superior Court and we are deeply grateful for your participation and your generosity in allowing us to use this courtroom and I want to thank all of our Superior Court Judges that are here and those that were unable to be here this morning as well as the staff of the Court.

I want to at this time introduce my family and, by the way, I calculate I have an extended family and it was Mr. Bassi that made some reference to that. First of all, my wife Ruth, more of you here know her or know her better than you know me, I believe. She has over the years, as I have said before, been extremely patient and tolerant with my many idiosyncrasies and troubles. She has provided encouragement when it was needed and she has been a help in so many ways that I can't begin to enumerate them and I want to thank her and tell her how much I appreciate that over the years.

Also, as they have been mentioned, our son Dan who you already met and his lovely wife, our daughter-in-law Judy, and their two beautiful children, James I who you have already seen and his sister, Catherine the Great. I think, Judy's mother and stepfather are with her, at least I don't see them here, and maybe Catherine is watching them. But she is only two and a half and she is out somewhere in the courthouse here.

Dan, I wasn't going to do this, but I think I better since mention has been made about clarinet playing with the band, the little band up in Aliquippa. You know, Dan has suffered in silence for a great many years because quite often at occasions when there are speakers or we are guests people refer to the fact I also play clarinet with the MPI Band in Aliquippa. Dan knows and I have known and he knows I know it, although nothing was ever said, the real clarinet player in our family is him. He is an excellent clarinet player but when he went to Vienna to practice law he found he didn't have much time for the clarinet, so he allowed me to use his clarinet. But I want to confess publicly he's the real clarinet player in our family.

I also want to introduce our sister-in-law, Esther Agnew and her husband and my brother-in-law who is far more brother than in-

law and always has been. I never had a brother until I got married and now I do have a brother. But he is Superintendent of Schools up in Millcreek just outside Erie and there are things going on there today that absolutely required his presence. But we are thinking about him and we wish him well today. Not here are Robert and Esther's three children, Chuck and John and their daughter Kay and her family which includes her three sons, and my two sisters, Nancy and Mary, and we are thinking of them today also. But there are four other people whose absence we note particularly today because they passed away, some as many as eighteen years ago, some as recently as four years ago. But we miss them today. We think of them quite often and that's Ruth's parents and my parents and today would have been Ruth's mother's birthday had she been here with us.

My extended family consists of those folks that put up with me in my office and in my chambers and that's my personal staff. Many of you know and have met today my Administrative Assistant who until this happened was my Chief Law Clerk. I know there is another title to that but that's Jane Zachary and she is going to serve as Administrative Assistant to the President Judge. She is enthusiastic in her work, she pays great attention to detail and is a great organizer. She is very knowledgeable about the law and the workings of the Court and the way it functions, and I rely to a great extent on her ability and skills and talents. You know, it wasn't too long ago somebody said to her, "You're the Judge's right hand." And she's got a sense of humor because she replied, "You know, the Judge is left-handed."

Then there's Barb. Now I know you all know Barb. Barb was here in the courthouse in the Clerk of Courts office from 1972 until 1982 and she worked in my courtroom. She was assigned by Mrs. Evans to work in my courtroom in criminal cases and she got to know a great many of my foibles and idiosyncrasies also, but in spite of that she agreed to come with me as secretary nine years ago when I came on the Court. And I have had happen to me more than once, have met somebody and talked to them a little bit, and the next thing they say, "Oh, yes I know, you're the one that works with Barb." But Jane and Barb are a very important and integral part of my staff. Barb will be the Administrative Secretary on my staff as President Judge and I

am grateful to both of them and I appreciate, even though I don't mention it, all of the work they do.

Also taking Jane's place as head law clerk is Mary Graybill. Mary graduated from Dickinson Law School. She interviewed with me for a job in 1987 or late '86 and I had decided to offer the position to her. Then in conference with Judge Wieand I discovered she had interviewed with him also. There's Catherine the Great back there. But since Judge Wieand was a Trustee down there at Dickinson and so on, I thought I didn't have much of a chance so I offered to arm wrestle him and I won. We are glad Mary is with us and anybody that knows about a law clerk's salary knows for a law clerk to stay over three years is unusual. We are appreciative, and she has already taken on some of her new duties as Chief Law Clerk.

Also, Doris Luketic, my other secretary presently. She is awful young but she and I compete with putting grandchildren's pictures on our desks. There she is. How could I not see you?

Also Diane Cooper was a secretary with us for several years not too many years ago and then left to do what she does best, and that's teach. But when that happened on the 18th of December, we knew that we needed some additional help right away.

I discovered that Diane was available, and she's been working with us part time on a temporary basis. I appreciate that because she knows the office and is a very pleasant person to work with.

Our two other law clerks at the present time are Elaine Welsh and Sheila Anderson here. They are just new at the job. They have only been with us since August and it's a joy watching them learn and expand with the duties and they are awful pleasant people to have around the office. The only thing with Elaine, I had a great deal of trouble getting her attention. She is so immersed in and concentrating on what she is doing at her computer, I have trouble getting her to respond when I say good morning.

Then there is another young lady, a unique young lady. In the summertime we had the opportunity to hire summer interns, law students, usually people that have finished their first year at law school and last summer from Pitt we had in the office a young lady by the name of Kristin McCormish. We were extremely impressed with her work and she was a great joy to have there. And when this

event happened, we knew we needed somebody to take Mary's place as a law clerk, and we got in touch with Kristin. She has graciously agreed to come on a part-time basis and to help us out, and she hopefully will be starting very shortly. And, Kristin, we are glad to have you with us.

You know, I was going to tell you what the Superior Court did. So many people say: What is it you do? What does the Superior Court do? And I am afraid that even my poor, dear mother never quite understood what I was doing on this job. She knew I was a judge in Beaver County, that I tried cases, that there were jurors and she understood all of that. But when I left that Court to come to this Court she couldn't understand how you could be a judge but go to the office every day. Occasionally I had to make business trips, she knew. She did not exactly understand what we did and I know there are a lot of people that have that problem. It's hard to know what we do. Basically we are an intermediate Appellate Court, just like the Commonwealth Court: we hear appeals. We don't hear testimony, we don't try cases, don't try them anew, we don't receive evidence. We don't hear witnesses; there is no jury. All we hear are lawyers arguing about what happened in the trial court, whether it was proper or improper. On the basis of the record they make there, it is made there, we decide the merits of the appeal and either affirm or modify or return to the trial court for further action the cases that come to us.

The Court has been quite active in—well, in fact since I have been on the Court but more recently to a greater extent—in holding special sessions around the state. Normally we sit in Philadelphia, Harrisburg and Pittsburgh. At least twice a year we try to sit in other parts of the state like Wilkes-Barre, Scranton and Erie, Lehigh County, Washington County, Mercer, Jefferson. Speaking of Jefferson, I don't know whether you know it, Mr. Carpenter, but President Judge Snyder, I wish you would note, attends all our golf functions. But we do hold special sessions about twice a year, as I say, in these other areas. In fact, in April we are going to Judge Hudock's county, Westmoreland County, Greensburg. And that program is in part to enable the people of the area that don't often see an Appellate Court, or people who don't have that opportunity to see an Appellate Court, see how it functions, to get to know us and what the

intermediate Appellate Court procedures are in Pennsylvania. But in my judgment those sessions have an even more important and worthwhile effect. They enable us, the members of the Superior Court, to become better acquainted with the people of those districts, people who very often become or are litigants or have been in the past, to get better acquainted with the attorneys, members of the Bar in those districts and trial judges. And it enables us to be constantly aware that our job is not just an intellectual exercise put together for our benefit; on the contrary, our job, our function in making decisions, is to understand and be aware that they impact on life, human beings; that our decisions have an impact on their lives, on their future lives. Our decisions have an impact on the way lawyers practice law and it is necessary that we be aware of that and keep in mind what effect or impact that is going to have on hard working, dedicated lawyers who are trying their best to serve their clients and also what impact it has on trial judges, most of whom are overburdened and are dedicated and committed to providing their communities with the best system of justice available. And we should be aware, and these programs, these special sessions help us to be aware of those impacts or to bear them in mind.

There is a sense of history on this occasion for a man for this Court. My personal history, and I can take the next two or three hours on it, but my first memory of this courthouse and the law was coming here on Saturday mornings with my father to record deeds and mortgages usually in the office of the Recorder of Deeds, where Mr. O'Neil now sits, as a student examining titles and as a lawyer trying cases. I remember Mr. Holland and I used to be in there examining titles quite often at the same time and we would sneak out about ten, ten-thirty, go upstreet, have a cup of coffee and come back and go back to work. Many of the trials, as I recall, and I hesitate to mention this, but I do feel compelled to mention one in which now Judge Narrick was an attorney and came here. Late in the afternoon we started and we stayed after supper and I was impressed at that time. I heard of then Mr. Narrick, now Judge Narrick, but I was impressed because it was the first time I had actually seen him work as a lawyer. And I was deeply impressed with the respect, the trust, the admiration that his clients had for him that evening and the total

willingness to do whatever he told them. As a result of their feelings about him after we had a conference in chambers and he went out and talked to them, he resolved that case that evening in a way that was fair and just I think to his litigants and to the litigants on the other side. That's just one of the many memories.

I remember the case Judge Reed tried that Judge Cirillo mentioned and I do recall this. When I instructed the jury Judge Reed was a little upset with me that I had gone further than the law required me to go. But I felt that's where they were going and as it turned out that's where the Supreme Court went.

I have many memories and I could go on for hours about that. All of you that work here in the courthouse and worked then during those years in various row offices, I enjoyed those years and it was a pleasure. I feel that I have a good friend in each and every one of you and I have at times, when things aren't going too well, kind of regretted that I left here. You know, somebody over here said how the Bar worked to get me elected and there was reluctance. Charles, I always thought you were trying to get rid of me!

You know, another memory: Mrs. Ferry sitting there making a record of these proceedings, she was my court stenographer for a good many years here in the courthouse and we tried a lot of cases together and Barb was there for a while.

But there is an institutional memory and an institutional history in this courthouse for this Court. This Court was established by the Legislature in 1895 and one of the original seven judges at that time appointed by the Governor was the President Judge of this judicial district, Judge Wickham. And Judge Wickham was elected soon after that and unfortunately and untimely he passed away. He is the only other judge from Beaver County who served on this Court and I feel a sense of history and obligation to this county as well as to the people of Pennsylvania and to this Court because of that. In fact, Beaver County has only ever had one other, other than Judge Wickham and myself, one other Appellate Court Judge and that was the famous Chief Justice Agnew. The new addition, not the annex where we are, but the addition is where his home was. He was President Judge here for a while in the 1860's. As many of you know, there is a relationship between the chief justice and my wife's family.

There have been a great many changes over the years. This Court has become a Constitutional Court. It is established and protected by the Constitution of Pennsylvania. It has been enlarged from seven judges to fifteen plus five Senior Judges. The jurisdiction of this Court has been dramatically expanded and in most cases, in over ninety percent of the cases we hear, our decision is final. Judge Cirillo made some mention of the workload that this Court was confronted with some ten years ago. At that time Judge Cercone had just been President Judge for a few years. The Court has been expanded. The Supreme Court and the Legislature were dumping additional jurisdiction on the Court. There was a tremendous inventory of cases to be heard and decided. And I always respected and admired what Judge Cercone did. He was confronted with a totally new situation. There was no manual, no directions, nobody told him how to do it or what to do or when to do it, really. But he established in my judgment the foundation that enabled his successors, Judge Spaeth and Judge Cirillo and our entire Court, to wipe out that backlog and make this a current Court in spite of the heavy volume of litigation and appeals that were required to be heard and disposed of.

In 1982 the median days from filing an appeal on this Court to disposition was 694 days. When he became President Judge in 1985 Judge Cirillo said that it is imperative that we reduce the time lag between the filing of appeals and the filing of a decision because justice delayed is justice denied. And today as Judge Cirillo has handed his gavel to me, the number of median days is down to 281 and I believe that that is due in large part to his leadership, to his pushing, to his prodding, and to his insistence that we work and get current and stay current. And I want to congratulate you on a successful and impressive tenure as President Judge. And this Court has over 6,000 appeals docketed each year. Over each of the last four years in addition to that we have had, and David of the Prothonotary's is here, over 6,000 miscellaneous petitions to dispose of and other matters. And we are today current. If suddenly we were to stop, be ended, just finish up what you have and go out of business, it would take less than a year for us to finish the business that is pending in this court and I'm extremely proud of that.

In conclusion, I just want to say that I am proud to be a resident

and a citizen of Beaver County. I am proud of all of you and extremely grateful of what you have done here today by honoring us. By us I mean myself, my family and the Court, the Superior Court of Pennsylvania, because it is truly an honor to them that you have taken the time out of your lives to attend this occasion and to enjoy this day with us. I want to say to you as I said to them a few weeks ago, with the help of the Lord I will do everything in my power and everything humanly possible for me to do to see that this Court continues to provide for the people of Pennsylvania including those of you here in Beaver County, our very close personal friends, the best system of Appellate justice that it is within our power to deliver both expeditiously and as economically as possible, all in accordance with the standard of excellence to which this Court has aspired over the years and in my judgment has successfully done. Thank you.

We will ask Ronald R. Cellini, Principal of Quigly High School, to give the Benediction.

I want to say something.

HON. VINCENT CIRILLO: Say it.

PRESIDENT JUDGE JAMES E. ROWLEY: It is a special pleasure and privilege for our family to have Father Cellini here today. Father Cellini and our son Dan went to Hopewell High School at the same time. I think you were a year ahead of Dan. They played together in the Hopewell High School Band. I got to know Father Cellini very well at that time and at that time I was impressed with his total commitment to our Lord. Since then, after the seminary and his activities in his church, he is now Principal of Quigley High School. His faith, his deep and abiding faith and joy in what he does, has served as an inspiration not only to me and not only to our family, but to all of us here in the county. Father, we are honored by your presence. Thank you.

HON. VINCENT CIRILLO: Just a second, Father.

PRESIDENT JUDGE JAMES E. ROWLEY: He always wants the last word.

HON. VINCENT CIRILLO: I just want to call your attention to something that made me admire Judge Rowley over the years. Remember Father Cellini, what a close friend he is to their family. Remember his old friend Mr. Bassi, studied with him and went to

school with him. Remember me campaigning with this young fellow here and being his friend all these years. And he plays in the St. Rocco's Band and he's been to Italy three times. I'm starting to wonder about our P.J.

REV. FATHER RONALD R. CELLINI: The rule is A,E,I,O,U and sometimes Y. In this case Y is a vowel.

Let us bow our heads and pray for Father God's blessing. Almighty and Eternal God, you have revealed Your glory to all nations, God of power and might, wisdom and justice. Through Your authority rightly administered laws are enacted and judgment is decreed. Assist with Your spirit of counsel the President to these United States that his administration may be conducted in truth and useful in promoting the common good. Let Your divine wisdom direct the deliberations of Congress and shine forth in all the proceedings. We pray for our rulers in government. Bless the Governor of this Commonwealth, the members of the Legislature, elected civic officials and all others who are entrusted to do our political welfare. May they be enabled by Your powerful protection to discharge duties with honesty and ability. Merciful judge of all people, grant to our President Judge, the reverent Hon. James E. Rowley and to those who administer justice in the spirit of wisdom, discernment, that they may be strong and patient, upright and compassionate. We comment to Your mercy and Rowley family and all the citizens of the United States. May we work for peace, for the promotion of justice and affirm the dignity of all human beings who are created in Your image and likeness. Bless us Lord, with the power of Your grace, You who live and reign forever and ever, amen.

PRESIDENT JUDGE JAMES E. ROWLEY: I am going to ask the Court, just the members of the Court to stand and stay in place here. The photographer wants to take a picture of the entire Court. You are excused and you are all invited to the Wooden Angel for a reception hosted by the Beaver County Bar Association.

(Proceedings concluded at 12:10 o'clock p.m.)

THE HONORABLE JAMES E. ROWLEY



In Memoriam
Honorable
James E. Rowley
President Judge Emeritus

Special Session
The Superior Court of Pennsylvania
And the Court of Common Pleas
of Beaver County

December 17, 2004
Courtroom No. 1, Beaver County Courthouse
Beaver, Pennsylvania

PROCEEDINGS

COURT CRIER: The Honorable Judges of the Superior Court of Pennsylvania and the Court of Common Pleas of Beaver County, oyez, oyez, oyez. All men or persons having business before this Special Session of the Superior Court of Pennsylvania and the Court

of Common Pleas of Beaver County sitting together for the purpose of commemorating the late Honorable James E. Rowley, let them come forth and appear and they shall be heard. God save the Commonwealth and these Honorable Courts.

PRESIDENT JUDGE DEL SOLE: Be seated everyone. Good morning. This is a very special day for Superior Court and for the Court of Common Pleas of Beaver County because we come together in a joint session to remember our dear friend and colleague, James E. Rowley, who served with distinction on both Courts. He was a friend and mentor to many of us and we are honored by the family for heirs [sic] here today and for agreeing to having this memorial service on behalf of our dear friend Jim Rowley. With that I am going to ask the Rev. Jeff Arnold, pastor of the First Presbyterian Church of Beaver, Pennsylvania, for the invocation. Reverend?

REV. ARNOLD: Let's bow our heads in prayer.

Give thanks to the Lord for He is good. His steadfast love endures forever. Our Heavenly Father, on this day we gather to honor James Rowley and to give thanks for the gift of his life, a gift that touched so many people, many here today and others scattered around to different places. In a fallen world in which we live and move and work, a life like his shines like the stars in heaven.

We give You thanks for a lawyer and a judge who possessed an active mind and a keen intellect, a love for law, a desire for justice, mimicking the righteous Judge of heaven and earth. To those who would follow him in this calling he serves as an example, an incredible example of integrity and character.

We give you thanks for a man who was a husband, father, a grandfather and a friend, one who showed love so freely, compassion and generosity, one who gave love and received in full measure and he was an example to all who would love.

We give You thanks on this day for a man of character, who showed character not just when he was in control and sitting on a bench, presiding over a courtroom, but one who showed character in even these last few years when he suffered and suffered greatly. As his body wasted away with disease, his inner self shone through as an example.

We give You thanks for a man who loved his Lord even as his body was wasting away. It was my privilege as his pastor to share with him so many moments where he would talk about faith and his love for Christ and the questions he would ask as we would reflect together on what it means to know God and love Him.

We give thanks to You, God, for You are good and Your steadfast love endures forever. We give thanks for this man. Through Christ our Lord, Amen.

PRESIDENT JUDGE DEL SOLE: Thank you, Rev. Arnold. Before I make some opening remarks, I want to take an opportunity to introduce Jim's colleagues from the Superior Court of Pennsylvania who are with us today. As you know, we are making a transcript of these proceedings and a permanent record of these proceedings will appear in the Superior Court Reports which are published and sent out nationwide and this is one way we honor and remember our dear friend Judge Rowley.

To my immediate left is Judge Joseph Hudock. To my far right is Judge Kate Ford Elliott. And then to my left again, the far left is Judge Michael Joyce. In the jury box we have Judge Lally-Green, Judge Debra Todd, Judge Mary Jane Bowes, Judge John Bender and Judge Patrick R. Tamilia. These are the Judges from the Superior Court who are able to be with us today. I am going to ask President Judge Kunselman to introduce to you his colleagues from the Court of Common Pleas.

JUDGE KUNSELMAN: Thank you, Judge Del Sole. I will mention the judges in order after myself. Judge John McBride in the jury box, Judge George James, Judge Gus Kwidis, Judge Richard Mancini, Judge John Dohanich, Senior Judge Peter Steege, Senior Judge Robert Reed and Senior Judge Thomas Mannix. Likewise, I would like to acknowledge the presence of a former Judge of the Court and former Judge of the Western District Court, Ralph Scalera. I'm not sure where Ralph is sitting. There he is. Thank you for coming.

In addition to acknowledging the presence of the Judges, there are others who should be recognized and I will do that at this time with your permission. Chairman of our County Board of Commissioners, Dan Donatella; Commissioner Joseph Spanik;

Commissioner Charles Camp; our District Attorney, Dale Fouse; our Treasurer, Connie Javens; our Recorder of Deeds, Janice Beall; and our Clerk of Courts, Judy Enslin. Thank you all for coming.

PRESIDENT JUDGE DEL SOLE: First, on behalf of the Court, I want to thank you, Judge Kunselman, and your colleagues for allowing us the opportunity to appear here in this beautiful courtroom and to join with you in this very special ceremony. In addition to having a memorial for Judge Rowley, we also are going to unveil a portrait of Judge Rowley. As you know, Judge Rowley served as a President Judge of the Superior Court of Pennsylvania and we are in the process of collecting the portraits of all the former President Judges and this portrait which will be unveiled today will appear in the Superior Court facility in Philadelphia along with the portraits of the other sixteen President Judges of the Court over its 110 year history. So we are very thankful to you, Judge Kunselman, and the Court for allowing us to be here. We also want to compliment the Board of Commissioners for the beautiful facility that you have created for the judiciary. We all recognize it's not a high priority item to come up with the necessary funding to provide for the Court when you are having demands for so many other things, but it's very vital to our system of government.

I first came to know Judge Rowley in a personal sense when I came to the Superior Court in 1984. Jim had been on the Court for some time and he became a mentor to me. In fact, my first chief law clerk was a young lady that had served as law clerk for Jim and between Jim and her they taught me a lot about what it means to be a judge on the Superior Court. I had the great opportunity to serve with Jim until he retired from the Superior Court following his service as President Judge.

I do recall running into him one time when he was trying a very high profile case in Pittsburgh after he had left the Court and gone on to senior status and expressed to my great disappointment, that he chose not to remain on the Superior Court as a Senior Judge. I think his decision was very wise because it gave him and his beloved wife Ruth an opportunity to do some traveling and not deal with the demands of a Senior Judge on our Court since our Senior Judges all agreed to work a full case load and work full time and it would have

interfered with his ability to go south in the winter which many of us are now trying to do particularly the way the weather is today.

He was an outstanding jurist. His opinions were very well read and very well written. But what I admired most about Jim was if you had a question about something he was suggesting, he listened and he could be convinced to take a different view if he felt that the different view was the correct view. More importantly, he could convince you to change your mind when he knew that his view was the correct view. And I think that he won that battle with me more times than I ever won the battle with him. So he was a great mentor to myself and to other members of our Court. We miss him terribly and we are so thankful that we are here today to recognize and remember his service to the Court.

JUDGE KUNSELMAN: Judge Del Sole, the first thing I would like to do is express our appreciation to you and to each member of your Court for participating in this judicial ceremony. We really appreciate it and on behalf of all of our Judges and the members of our Bar Association and the Rowley family, we thank you.

I too had the privilege of working with Jim Rowley, first as a lawyer. He was one of our trial judges for quite a number of years and I had the privilege of trying cases in his courtroom. After he was elected to the Superior Court in 1981, I was honored to have been appointed to fill that vacancy and I do remember people describing it as replacing him but in my mind he was not replaceable. He was a giant in our profession and I will never forget him. I miss him a lot. He was a hero of mine, one of my heroes. And what he had to contribute to the legal profession both as a lawyer and as a trial judge and as an appellate judge is very, very difficult to duplicate.

Judge Del Sole and I did not discuss the details of how this program was going to proceed, but when he asked me to assist him in putting it together and when we decided our Bar Association agreed to memorialize Judge Rowley, it seemed to me that who best to be selected for that purpose than somebody who was a contemporary of his as a trial lawyer, someone who knew him for many years, worked with him and for the last about 20 years was a next door neighbor and that's Harold Reed. We would now ask Harold to memorialize Jim Rowley.

HAROLD REED: May it please the Court, Judge Del Sole, Judge Kunselman, members of the Honorable Superior Court of Pennsylvania and the Honorable Court of Common Pleas of Beaver County, Ruth and the Rowley family, ladies and gentlemen. This is not an easy task for me to speak at a memorial service for a close personal friend and a highly respected professional colleague. If I were to stand here and talk to you about Jim Rowley as a lawyer and a judge, it would be like a minister preaching to the choir. You all have your own special experiences and remembrances. My remarks have been revised so many times that my secretary called in sick this morning so she wouldn't have to do it over again. The program lists me as a friend and contemporary and that's the vantage point from which I want to talk, but mostly as a friend, a very close friend. When Judge Kunselman called to ask me to speak today I heard Jim say to me, "You thought you weren't going to have to do that, didn't you? Let me explain."

In the fall of 2003, Jim and I were standing out on his driveway having one of those conversations that take place between good friends and suddenly out of the blue he said, "I want you to speak at my service." I protested and said no, he was to speak at mine. We just left it there. So you can understand the thoughts that were running through my mind when Judge Kunselman called me.

I am Jim's contemporary. His mother was in the hospital giving birth to him when my parents were being married. Consequently, I never had any trouble remembering his birthday, April the 8th. And every March, my birthday, I reminded him that I had caught up to him, in that age that is. I had started at Pitt Law School a year ahead of him and had been admitted to the Bar a year ahead of him and he just thought that shouldn't be, he was older. How I got to be a year ahead of him in the educational process resulted from the amount of time each of us had spent in the Armed Forces.

When did I meet Jim Rowley? I don't know. But when you look back over more than fifty years of friendship it's as if we had always been friends and had known each other. Actually it must have been in the fall of 1949 when he entered Pitt Law School and we became fraternity brothers there. I remember the golf outing with him at Cambridge Springs and Bedford Springs and the fact that he never

used woods, he only hit with irons. I remember being dealt thirteen hearts at a bridge party at his house in Hopewell. Believe it or not that's a true story.

I remember the trials when we faced each other. Actually, I think there was really only one because we both generally represented Defendants. Translated that means insurance companies. I remember that I won. I can't remember the names but I do remember the facts. I was representing the driver of a high lift that veered across the center line and hit an oncoming car head-on. Jim was representing the manufacturer of the high lift and the jury returned a verdict for the injured driver of the oncoming car against Jim's client only.

But more than anything I remember the election in the fall of 1967. Jim did me the honor of asking me to be his campaign manager for a full ten-year term following his appointment to the bench in 1966. It was fun. And I think that's when we became close friends. We did a lot of new, innovative things so far as Beaver County politics is concerned, most of which were the result of late evening strategy meetings at the Last Chance in Bridgewater with Oran Panner and Dr. John Colavincenzo and Dr. George Campbell. It's interesting to note some of our ideas are still being used today. We faced a strong organization which had captured most of the row offices in an earlier election and which had a three-to-two majority and we won by 3,000 votes. And I think from a purely personal standpoint if each lawyer tried to measure his contribution to the legal profession, that is my contribution to the legal profession in Beaver County and to the State of Pennsylvania to be able to have had that honor and pleasure. After that, re-election in 1977 was easy and it was Jim's demeanor, temperament, personality and reputation that got him the endorsement of the state's leading newspaper, including the Philadelphia Inquirer, and enabled him to win a seat on the Superior Court of Pennsylvania in the 1981 election.

In 1980, Ruth and Jim vacationed in Hilton head, purchased a time-share and came back with such glowing reports that Martha and I purchased, sight unseen, a time-share one door removed from them. And in 1981, Ruth and Jim purchased a home next to ours in Brighton Township where Ruth still lives.

Those are some of the stories of a friendship that endured for

over fifty years. But I cannot close without speaking for a moment about Jim Rowley, the person. I shall always remember his unfailing sense of humor, I shall also remember how upbeat, how optimistic he was even in the face of his personal problems. Because of his extensive knowledge and demeanor from the Bench, many of you might have concluded that the law was his first love. That would not be true. His first and true love was his family—Ruth, Dan, Jimmy, Katy, Judy. I have met no one in my experience more devoted to his family and the wonderful things about it is they knew it. The portrait we are dedicating today will be hung in the Superior Court chambers in Philadelphia. We will continue to have Jim's Common Pleas Court picture over there on the wall here as a constant reminder of what I consider to be the ultimate judge—humble, learned and fair.

PRESIDENT JUDGE DEL SOLE: Thank you, Mr. Reed. We are here today and this is a memorial service and a portrait unveiling of Judge Rowley, but what we are really doing is celebrating this wonderful life, a life that he led and that life is an example to all of us that serve on the Bench, serve in the legal profession, and that of families, children and grandchildren and that it was a life that deserved remembering.

One might ask why the Superior Court has waited so long to do a portrait of Judge Rowley and the answer is very simple. We had no place to put it. We had a number of portraits that were in the basement of our facility in Philadelphia and it wasn't until this past year that we were able to secure the space that would allow us to properly display the portraits of all the President Judges and we are in that process now.

I did have the opportunity to talk to Jim and tell him we wanted to proceed with this and asked if he wanted to sit for a portrait or if he wanted to have it done from a photograph, so we went through our archives and found a few nice photographs of Judge Rowley and I sent them to him for his approval. And he approved one and sent it back but he asked if they would paint the portrait without glasses. And it was then we found out that the Beaver County Court of Common Pleas had this wonderful photograph of Jim without his glasses and that's what our artist used to do the portrait for Jim.

And I want to introduce you to our artist now, Mr. Robert

Daley. Bob Daley is an artist that studied at the University of Pittsburgh, earned his Bachelor of Arts in Studio Arts in 1972. He has his own gallery in the Brookline section of the city. He's done a number of paintings of people including Senator Howard Baker, the Rev. Bruce W. Thielemann of the First Presbyterian Church, Bishop Donald Wuerl, John Cardinal Dearden and John Cardinal Wright of the Diocese of Pittsburgh and many, many others. We have had the opportunity to see his work and his selection was one that we were very thankful we were able to secure. And I hope that you are all satisfied with the portrait that he has done.

I'd ask Bob to come up to the portrait and I'm going to invite the grandchildren of Judge Rowley, James Elliott Rowley II and Catherine Ann Rowley, to be escorted by their grandmother, Ruth Rowley, and at this point we will unveil the portrait that is going to be on permanent display at the Superior Court facility at Philadelphia.

James and Catherine, if you would just take the cover off of the portrait. Are you satisfied with it Ruth?

MRS. ROWLEY: Yes, it's lovely.

PRESIDENT JUDGE DEL SOLE: Thank you all. I want to introduce a few members of our Superior Court staff that are here today to help us recognize Judge Rowley. We have Ernie Gennaccaro, Chief Staff Attorney who is here; Kathy Bann, our Court Reporter, who is here and who will be responsible for the publication of the remarks that are made today; Ellie Valecko, a Deputy Prothonotary for the Western District of Pennsylvania; Ed Schroth who is our Court Security Officer; Pat Carey who opened court who you recall. I think that's everybody from the Court that's here. I also see Barb Short who was Judge Rowley's longtime secretary and continues to serve here in Beaver County. Nice to see you. And with that I am going to ask Dan Rowley, Esquire, for remarks from the Rowley family.

DAN ROWLEY: May it please the Court. First I'd like to say that our entire family would like to thank the Superior Court and the Court of Common Pleas here in Beaver County and the Beaver County Bar Association.

When Harold got up to talk and said this wasn't easy, that resonated with me. Actually, they were trickier with me. They got my

mother to ask me. And, in fact, I will share one thing. When I was in law school I worked for a while for Harold and unbeknownst to me at the time he and my Dad came up with a course of study, as they called it, of things they thought would be good for me. And so today I am proud to say that I am the only lawyer at General Electric that actually searched a title, among other things.

When I was thinking about what to say I was going over some things that Dad and I talked about and I looked through a few things and I discovered that in the first half of the 12th century, over 800 years ago, Obertus, who was a judge in Milan, wrote a book that became the basic description of the feudal system in Europe. It was so influential that 600 years later when John Adams and a group of young lawyers formed in 1765 a study group to read and discuss law and history, they included Obertus' book in the first group of things they decided to read about law and history. So, in a way, Obertus formed part of the heritage that our founding fathers brought with them in creating our legal system.

Given this background, I'd like to share with you the views that Obertus and his medieval contemporaries held on judges. Henry Bracton, who was another great judge in England in the 13th century, wrote; "Let no one, unwise and unlearned, presume to ascend the seat of judgment, which is like unto the throne of God."

Now these thoughts have particular resonance for me as I thought about Dad and his contributions here in Beaver County and the state. Obertus' book actually started out as a series of letters to his son, Anselm, when Anselm went to study law at Bologna. And John Adams, of course, was the formative influence on his son, another lawyer, John Quincy Adams.

Most of you here knew my Dad and you will recognize him in Bracton's description: wise, learned and exemplifying the maxim that the seat of judgment is a sacred, public trust. I saw those qualities, too, but in a little bit different setting. He and I were always talking about law and history. We read books together, we compared notes, we explored topics and themes together. We read about John Adams, English legal history, and other things that caught our interest. He and I had a life-long dialogue about law and history just like John Adams and his friends in 1765.

When I was growing up, and after I went to college and law school and became a lawyer, we talked about his cases and mine. At the risk of alerting the local committee on unauthorized practice of law, I'll also mention that, at the dinner table especially, my mother was an active participant. When she didn't like the answers that Dad and I provided, she always played her trump card, something my grandfather had told her when she worked in the law office that he and my Dad had together before Dad went on the bench. That was always dispositive and she always won the debate.

Because of his learning, wisdom and evenhanded nature, our entire family carries some of him with us. For Judy, he was "Dad." Every house we've owned he claimed some area as his favorite and she'd arrange the furniture so he could sit where he wanted.

For Jim and Katy, he was "Gramps." The three of them, along with my mother, formed a mutual admiration society. According to him they never misbehaved, never did anything wrong, and never were anything but perfect. One time Judy told the kids when they were acting up, which of course Dad would never concede, that Grampy put people in jail and she was going to talk to him about them. He begged her not to say that, so Judy and I had one less defense, which of course Dad thought we didn't need in the first place.

For my Aunt Esther, Uncle Robert and their children, Kay, Chuck and John and their families, he was Uncle Jim. They traded visits, he read their college papers, listened and helped. At family gatherings he'd dramatically sit at the piano and start playing. We always suspected he only knew the first five bars of Stardust, but we never let on.

For me, it's affected me in every way, how I'm a husband and father, and it's why I became a lawyer. I had the benefit of his wisdom and learning so often that, even now, I can still imagine what he'd advise. So, in a way, our dialogue hasn't stopped.

And that Bracton quote, that came from a book he bought me. We didn't get a chance to read it together, but when I do, I'll still have that dialogue. Thank you.

PRESIDENT JUDGE DEL SOLE: Thank you, Dan.

At this time I'm going to invite my colleagues from the Superior Court that may wish to say a few words.

JUDGE HUDOCK: Thank you, Judge Del Sole. You know, we all have our first impression of an individual, and they say that impression, that first impression, is lasting. I want to tell you about my first impression of Jim Rowley.

I met Jim many, many years ago. Bob Kunselman and I, although he doesn't want to admit it, but we were classmates in law school and became good friends. Bob was elected to the bench, I think a year or so after I was. But anyway, we were at a judicial conference in Hershey and Bob and I hooked up and Bob took me over to the table to meet Jim Rowley, an old friend of his. And I'll never forget that when he shook my hand, I swear he broke my hand. I never had a firmer grasp by anyone, to the point where after I came on this Court and felt I could talk to Jim as somewhat of an equal, I just said, "If you shake my hand again like that, I'm not going to shake your hand." I don't know if you ever had the experience, but it was powerful. He was a powerful man. I came to know Jim very well. I was invited to Beaver County to join the local judges for their luncheon, which I thoroughly enjoyed, but we became very good friends and I then realized that handshake, the firmness of the handshake, was an outer sign of the inner man. The strength of his moral fiber, the strength of his professionalism, and the strength of his character were all represented by that handshake and I remember that.

JUDGE KATE FORD ELLIOTT: I have served a unique position with respect to Judge Rowley because I have had the privilege not only of serving with him as a colleague, but also having worked for him when I worked for many years in the Superior Court. And that's when I first got to know Judge Rowley, when I came on the bench in 1981. And it was Judge Rowley and Judge Wieand when I made the decision to run for the State Superior Court that took me aside and they were not hesitant to tell me what I had in store through the campaign and also with the idea of becoming a judge, but they also provided me tremendous encouragement, they mentored me throughout the entire process and they gave me what was most important to me, their friendship, and I was always grateful to Jim Rowley for all of that.

I said to Judge Mannix before we came out that there is irony in the fact that the members of the Superior Court get to sit up on

the top bench here because there was never any question, as Jim Rowley told me so frequently, that here was where his heart was and when he finished his term as President Judge of the Superior Court this is where he wanted to come back to and be. And so it is our privilege, and I think particularly my privilege, to be here today to honor him.

PRESIDENT JUDGE DEL SOLE: Anything from any of my other colleagues? Judge Kunselman?

JUDGE KUNSELMAN: Do any of my brothers on the bench care to make any comment? They do follow orders sometimes.

PRESIDENT JUDGE DEL SOLE: Now I will invite Cathy Campbell, Esquire, the President of the Beaver County Bar Association, to make some remarks.

CATHY CAMPBELL: May it please the Court. Judge Rowley was a gentleman. He was a man of much integrity. He was a great example and a mentor to every member of the Beaver County Bar Association. Harold's remarks reflect the feeling that we all had toward this very special man.

I remember meeting him in 1980. I was a young lawyer freshly graduated from the University of Pittsburgh and I was in front of him for a motion. I hardly knew what that was. I was rather terrified. I thought all I needed to do was get through this and it never occurred to me the Judge might ask me a question. I was before Judge Rowley and I muddled through whatever I presented and he asked me a question. Silence. I wasn't sure what I should say. I knew the answer to the question. It did relate, obviously, he was an incredible legal scholar and it related very well to the subject matter that I had presented. I answered it the best I could and then he answered it for me. It was a learning experience for me. It was a lesson in dealing with a man on the bench who not only cared about his profession but cared about the people in front of him on a daily basis. He was greatly respected for that and will always be remembered for his love of the legal community.

The Bar Association has chosen to honor Judge Rowley through a contribution to a charity chosen by his family. I'd like to introduce to you Attorney James Ross. Jim is the Chairman of our Charitable Giving Committee.

JAMES ROSS: Thank you very much, Cathy. Members of the Superior and Court of Common Pleas, honored guests, elected officials, members of the Rowley family, I am very proud to be here today on behalf of our Bar Association. As some of you may or may not know, we formed a Charitable Giving Committee approximately two and a half years ago after it was decided that we needed to look not only within our Association but outside and help the community that gives so much to us. We formed our Charitable Committee and opened a fund within the Beaver County Foundation and we have been raising funds over the last two and a half years, but really started probably about seven years or more, and we have done projects for McGuire Home, Girls Hope, Special Olympics, Habitat for Humanity and the like.

We decided that we should honor Judge Rowley in some way as the Bar Association and back in the summer I went to Judge Kunselman and asked if we could have a testimonial dinner for Judge Rowley. And Laura Tocci, who is in the audience today and who has been my partner in crime in some of these projects, went to meet Judge and Mrs. Rowley in the spring of this past year and at that time we asked Judge Rowley if we could have a testimonial dinner for him and he told us at that time, being the humble person that he was, he didn't think it was appropriate. And then we kind of struck a nerve when we told him all the money raised would go to charity and at that point in time Judge Rowley agreed.

Judge Rowley has been probably one of our biggest supporters in our charitable giving program and he thought it was something that we should have done some years ago and always supported us prior to his death. And we had planned a testimonial dinner in October of this year and unfortunately Judge Rowley's unfortunate and untimely death prevented that. So Laura and I spoke with Mrs. Rowley and said we thought it would be appropriate if we could make a donation in his name and honor today and we were able to raise \$4,000 from our Bar Association. And the agreement we had with Mrs. Rowley is \$2,000 would go to a charity she has selected and \$2,000 would go to our Charitable Giving Funds which is now getting to the point within the next year or two where it should be self-sustaining because we have reached a pretty hefty sum in there.

At this time I would ask Mrs. Rowley to come up and also Brian Clerici who is from the American Cancer Society. And, Mrs. Rowley, I am going to present the check to you and ask you to present it to Mr. Clerici, so if you will come up.

Mrs. Rowley, on behalf of the Beaver County Bar Association I am going to present you with a check payable to the American Cancer Society for \$2,000 and it states right on there that this is in memory of Judge James Rowley.

MRS. ROWLEY: I thank you very much. And this will be kept in Beaver County, for the Cancer Society in Beaver County.

CATHY CAMPBELL: On behalf of the Beaver County Bar Association we do want to thank all of you for coming today and we would like to invite each of you to the Bar Association building for a reception immediately following this session. The reception will be held at the Bar Association building. It's the third building from the Courthouse that way. When you are going out the door, down the steps and out of the building, go to the right, make your way through the parking lot across the street and it's the second building on the left. We would really count it a privilege for all of you to join us there this morning. Thank you.

PRESIDENT JUDGE DEL SOLE: Ruth, Dan, Judith, James, Catherine, we want to thank you for sharing your husband, father and grandfather with us over many years who was an inspiration to all of us and in my view he epitomized the words of Sir Thomas Tailford written in 1410: "Fill the seats of justice with good men but not so absolute in their goodness that they forget what human frailty is." Jim Rowley was a good man and he understood the human condition.

With that, I'd ask Rev. Arnold for the benediction. Would everyone please rise.

REV. ARNOLD: And now may the Lord bless you and keep you. May the Lord make his face to shine upon you and be gracious unto you. May the Lord lift up the light of His countenance upon you and give you peace now and forever. Amen.

COURT CRIER: Court is adjourned.

PRESIDENT JUDGE DEL SOLE: Thank you all for coming. (Proceedings closed).

THE HONORABLE
PETER PAUL OLSZEWSKI



*May 12, 1925 –
Assumed Office: January 2, 1984
County: Luzerne*

INDUCTION CEREMONY

PROCEEDINGS

OYEZ, OYEZ, OYEZ, the Supreme Court of Pennsylvania. Mr. Justice James T. McDermott presiding. All persons bound to appear before the Court this day, give your attention, draw nigh, and you shall be heard. God save this Commonwealth and the Honorable Court.

JUSTICE McDERMOTT: The invocation will be delivered by the Rev. Daniel D. Olszewski, Pastor of SS. Peter and Paul's Church in Scranton.

FATHER OLSZEWSKI: Heavenly Father, send Your Spirit of wisdom, truth, and understanding that we may know that you are the supreme authority and law giver, and that all who will find God's truth grant our newly elected and about-to-be-sworn Superior Court Judge of the Commonwealth of Pennsylvania, Peter Paul Olszewski,

the disposition to judge fairly, wisely, and according to Your own justice, Lord. We pray for our President, Congress, and all public officials that Your will may be manifest and fulfilled in all that they do. And finally, grant unto us all that we may so pass through things that are temporal so as not to lose the things that are eternal. Please grant it all through Your son Jesus Christ.

JUSTICE McDERMOTT: It is my distinct pleasure to be here today in this beautiful courthouse with the Christmas tree sparkling on such a happy occasion as this. This courthouse—I know you're all proud of it and you should be because it is probably one of the most beautiful in the United States. I hesitate to say this, but it is the most beautiful in the State of Pennsylvania, and it represents something that we're doing here today.

In the days when these courthouses were built, people that contributed to them imagined and conceived of them really as great cathedrals of justice, as great mementos of their own momentum; and they created them and they exist as permanent temples now.

And so you have here a treasury, a treasure of the cathedral of justice and all that America stands for, because today on this very happy occasion, we're witnessing America. We are witnessing all that it offers all of us.

Today we're swearing in a man born and raised here. As a boy, he had no idea that he would be standing here in this rotunda for the purpose of being sworn in as a Judge of the Superior Court of Pennsylvania. So it is a very happy day, a very momentous day for him, his family, and for all of us because we're all going to be living for one another and sharing all that he is and all that he expects to be, which are high standards.

So we have with us today some distinguished friends of Peter Paul who have a few words to say. First, I would like to introduce to you Judge William Cercone, one of Peter Paul's colleagues on the Superior Court of Pennsylvania.

Judge Cercone.

JUDGE CERCONI: Thank you very much.

Mr. Justice McDermott, Father Olszewski, distinguished colleagues, and friends all:

It is a rare honor to have a Superior Court Judge have the

opportunity to speak after the Supreme Court has spoken. We don't get the chance very often. But I, too, have gotten greatly impressed by this rotunda, its architectural beauty, its physical splendor which is described in the enduring quality of marble, as it describes the enduring quality of justice. It's really something that the people of Luzerne County deserve to be proud of, and I heartily join the good Justice who commended you and congratulate you for such a wonderful edifice. It is a fitting setting for the induction ceremony of Judge Peter Paul Olszewski as he ascends to the bench of the Superior Court of Pennsylvania.

We, his colleagues, are happy to be here with the members of his family, his lovely wife June and his children Peter and Paul and John and Mary, and all of his friends here from Luzerne County and adjoining counties and areas who have helped make this day possible, and who bring good wishes with them today as he takes up this great challenge of the work of the Superior Court.

Peter Paul stands at a transitional point of his life this afternoon as he proceeds from his experiences as a trial judge to those now of an appellate court judge. Although the two levels belong to the same judicial system, they are rather different in objective, nature and character.

The trial judge, in my opinion, is the keystone of the judicial system along with the trial lawyer. It's the trial lawyer who brings the problems of the community into the court. It is the trial judge who first writes the opinion that sets the course of direction of the principle of law in a given case. The trial is one of the most dramatic, one of the most exciting, one of the most intense, and sometimes the most glamorous of human experiences—the jury, the arguments of counsel, the witnesses on the stand to explain their side of the case.

On the appellate bench, it's a little different. There, there aren't too many spectators who come to hear the arguments. The brilliance or the blunder of trial have long since gone by. But there the final principle of law is decided. And so, that's a very important challenge of Peter Paul Olszewski, because the purpose of an appellate court is not so much to overturn the decision of the lower court as it is to seize that kind of opportunity to advance the principle of law still further in order to meet the needs and expectations and demands of the people.

Benjamin Cardozo, Associate Justice of the Supreme Court of the United States, once said that if a body of law existed to meet the demands and needs of the society today, it would be inadequate to meet the demands and expectations of the society of tomorrow. So that means that it's a continuing challenge to keep up with the needs and demands and expectations of the people.

Judge Olszewski, I've known for many years, comes to our Court with an impressive array of accomplishments as a civic and public-affairs leader and as a Judge for some sixteen years. He has the understanding of the problems of the people. That's what's important, because the source of the law comes from the people. And so long as a man has an understanding of those problems which confront the people, he becomes an important part of our lives.

Peter Paul has the faith in and appreciation of the concept of equality of men and women. So long as he has that, he will contribute mightily to the advance of the law in Pennsylvania. Perhaps we, his colleagues, cannot quite reach the height of emotion that his family reaches today, but we can approximate that emotional level by the happiness and pride we feel in congratulating him and welcoming him to this Court, this great and important Court, the Superior Court of Pennsylvania.

JUSTICE McDERMOTT: We have with us today from Philadelphia a distinguished colleague of Peter Paul, a longtime Judge and very distinguished figure of the Superior Court and now a Senior Judge of that Court, and that is the Honorable J. Sydney Hoffman.

Judge Hoffman.

JUDGE HOFFMAN: I'm having trouble, I guess, being seen, and that reminds me of Judge Bonnelly, who was a famous judge in Philadelphia. When he got up, he used to always say, "Believe it or not, I'm standing."

Mr. Justice McDermott, Peter Paul Olszewski, my colleagues, along with Judge Rosenn, and all the distinguished visitors and lovely friends all of Peter Paul:

I have an enormous sense of nostalgia because it was a number of years ago I came here and I witnessed the induction of my very good, warm, personal friend, Ben Jones of revered memory, who added so much to Luzerne County, just as Peter Paul does. And I

know that all of you are so proud that people of this stature are part of your citizenry, and you have a right to be proud, to be happy.

Peter Paul, it is a perfect joy to welcome you to the Superior Court. You are really a very special and a very nice person. You're kind and you're good; you're warm and you're compassionate; you're convivial. You're compatible with the kinds of thinking that we have in our Court. Just a few weeks ago, you attended a Court dinner in Pittsburgh, and I said at that time that we have a delightful Court. We have Court that is warm and agreeable, a Court that gets along with each other. Somehow or other, there is a chemistry in our Court that blends together—and how great it is, how thrilling, how exciting it is to have you on the Court, because somehow or other you meld into the Court and you already become part. And maybe even as significant as your arriving on our bench is the fact that June is coming with us, because we're a family, our Court; and it's not just the fact that you're a member, but we love your wife and I know she's going to love us. We have great social activities.

We, of course, don't always agree on all matters of the law, because that's a part of the law—that respectable, decent people do disagree. But we never become disagreeable, and we're all respectful of each other's opinions.

So, Peter Paul and June and your whole family, may I just say that we are honored and delighted and thrilled and happy and exhilarated. We are so pleased that you've now become a part of the Superior Court. I know you're going to love us, we're going to love you, and you're going to be really the happiest that you've ever been in your life. I wish for you, June, and for Peter Paul that you have a happy tenure. I hope that you have good health and that all the things that you've wanted in your life come true, because Peter Paul is going to make a great contribution to the people of Pennsylvania. You're going to be so proud of him, just as we are. And today it's a beautiful, wonderful day, the sun is shining, and I hope that God will be good to you. And the sun is indeed going to shine on you and your whole family the entire time you are with this Court.

Good luck and God bless you all!

JUSTICE McDERMOTT: The Superior Court of Pennsylvania is extremely well represented on this auspicious

occasion today by Judge Vincent A. Cirillo. Judge Cirillo is not only a distinguished member of that Court, but a very close friend of Peter Paul Olszewski.

Judge Cirillo.

JUDGE CIRILLO: Justice McDermott, President Judge William Cercone, Judge Hoffman, Father Olszewski, my distinguished colleague Judge Olszewski, Judge Rosenn, all my distinguished colleagues on the Court of Common Pleas of Luzerne County, all the public officials who are here today:

This is a happy day in the history of Luzerne County. It is a happy day for Northeastern Pennsylvania to send one of your sons to the appellate court of Pennsylvania. I notice three State Senators here, I may have missed some of them. I notice Senator Murray, Senator O'Pake, Senator Musto. It's important to them, and they realize how important today is and they're here.

I look to the back of the room: The former Controller of the City of Philadelphia; he still is Controller until about four o'clock today. Mr. Leonard ran for Mayor of Philadelphia, he's here. It's important to him. All of you County officials, present and former County officials. All of you friends of Peter Paul. All you lawyers. President of the Trial Lawyers' Association, Joe Quinn. President of the Bar Association.

How proud you have to be of a person who served your County not only as a jurist for sixteen years as a Court of Common Pleas Judge, but also as a County Solicitor and in many other capacities during this lifetime and during this career as a lawyer.

When Peter Paul Olszewski sits on the Superior Court of Pennsylvania, a little bit of each and everyone of you is going to be there because he understands you, he knows you, he knows your problems. He is going to tell the rest of the Justices and Judges on the appellate courts what your problems are. He is going to make sure that you are represented adequately on the appellate courts of Pennsylvania. The Superior Court helps make the law of Pennsylvania through its interpretations. He'll be there for you. And you know it because you not only have elected him this time, but, as Justice McDermott stated, two years ago when I ran for the Superior Court Peter Paul was running also. What a shellacking I took up

here! Six to one, I lost. But I was proud because my friend Peter Paul Olszewski was loved by the people who know him best.

Your confidence was not misplaced. I campaigned all over the State of Pennsylvania with Peter Paul in this last election. He got to know people around the State of Pennsylvania and they got to know him; so much so, they had such confidence in him, even though the campaign started out with about seventeen candidates for the appellate courts, that in November there were ten candidates for the Superior Court. Peter Paul Olszewski led the ticket! In Pennsylvania they thought he was the best, not because of his ability and experience, but they got to see a part of him that you know that's right here, right in the heart. Peter Paul is compassionate, a man for all seasons. In Pennsylvania they recognized him for his ability. He'll be representing you.

Even though Justice McDermott said we ran against each other, maybe we didn't campaign for him because we were running as Republicans, we loved him. Peter Paul has been a friend of mine for many, many years. He's been to my home. I've been to his home with June Olszewski. I served on committees with the Pennsylvania Trial Lawyers when I was a trial judge with him. He's a worker. And we're waiting for him to get up there because we have three hundred cases waiting for him the day he takes office.

I want to say to you, Peter Paul, congratulations! Come over here. I'm going to give you the sign that I've become famous for in Pennsylvania. They call me "Papa Bear" because I give the bear hug.

(Judge Cirillo hugs Judge Olszewski.)

JUSTICE McDERMOTT: We are indeed honored and privileged to have with us today that very distinguished actor of stage and screen, none other than Jack Palance.

JACK PALANCE: Of course, Judge Peter Paul waited until about ten minutes ago to tell me that I was going to be part of the ceremony. If you know anything about actors, you know they need a writer. Without a writer, an actor isn't an actor.

I remember a long time ago a number of instances when my parents were hopeful that I would find a profession sufficiently remunerative to make a living of luxury. That would be kind of superficial. Anyway, the two things they thought was one to be a

lawyer, and the other was to be a priest. I don't know which one would have been remunerative, but I didn't go in either direction, obviously.

But when I was graduating from high school, we did a play—I don't remember the name of it—I was cast as the lawyer for the plaintiff. I remember the first few lines that I had to say in my address to the jury:

“Never since the day when I first began the practice of law have I had a case that incensed me more than...”

That's all I remember. I remember that it was something having to do with the graduating class, for some reason. They were about to be given their degrees. I was the lawyer for the graduating class. Well, the lady who directed the play was a woman named Marge Scott; she was a magnificent woman. After the performance, she came to me and said, “Walter (that was my name), you know you found your profession in life.”

“Yes, I want to be an actor.”

She said, “Oh, no! You must be a lawyer. You'll never be an actor.”

And I was, and I remember a fellow named Joe, who was also on the football team, we were on the team together; and I questioned him one time. He was sitting there, and while I was asking him a question, he had his mouth covered and kept saying, “You think you're hot stuff.”

Of course, a couple of times I lost the thread.

Well, I'm delighted to be here with Judge Peter Paul. I'm delighted for him. I'm delighted for all of Pennsylvania. I think you gained a very outstanding member; and listening to Judge Hoffman talk, I think that he has ascended to the throne of the angels.

Nevertheless, my best wishes for him and for everyone, believe it or not.

Thank you.

JUSTICE McDERMOTT: Mr. John L. Bigelow, President of the Luzerne County Bar Association, will express his congratulations.

MR. BIGELOW: Justice McDermott; President Judge Cercone; President Judge Hourigan; Judge Olszewski; all other Judges present here today; also the many federal state, county, and local dignitaries who are here today; guests; ladies and gentlemen:

I do speak on behalf of the Wilkes-Barre Law and Library Association, and, therefore, I speak on behalf of about five hundred lawyers who are the members of the Luzerne County Bar.

We congratulate you, Peter Paul, on your elevation to the Superior Court of Pennsylvania, and we sincerely wish you continued success in your career of public service as a member of that appellate court. This is indeed a happy time and a proud occasion for you and for your family and for your friends. It is also a memorable day for the Wilkes-Barre Law and Library Association. Going back for just a few seconds, back on April 18, 1983, at a Quarterly Meeting of our Bar Association, the following resolution was passed, and I quote:

“On motion of Arthur L. Piccone, seconded by Sandor Yelen, those present unanimously voted to endorse the candidacy of the Honorable Peter Paul Olszewski for the office of Judge of the Superior Court of Pennsylvania, and consider him exceptionally well qualified for that office.”

That was the attitude of our Bar Association on that day eight months ago, and it remains the attitude of our Bar Association today, January 2, 1984.

We are pleased to have a part in today’s program. We look forward to our reception this afternoon in your honor. Again, on behalf of the Wilkes-Barre Law and Library Association, Peter Paul, you have our best wishes for good health and a great future on the Superior Court in the years that lie ahead of you.

Thank you.

JUSTICE McDERMOTT: That resolution of the Bar Association having such a happy ending, we will now hear the commission from the Governor of Pennsylvania read by his son, Peter Paul Olszewski, Jr.

Peter Paul Olszewski.

PETER PAUL OLSZEWSKI, JR.: “In the name and by authority of the Governor’s Office of the Commonwealth of Pennsylvania, Peter Paul Olszewski, of the County of Luzerne, in the Commonwealth of Pennsylvania, greetings:

“WHEREAS, It appears by the certificates and returns made according to law, of the election held on the Tuesday next following the first Monday of November, Anno Domini, One Thousand Nine

Hundred and Eighty-three, and now on file in the Office of the Secretary of the Commonwealth, that you have been duly elected a Judge of the Superior Court of the Commonwealth of Pennsylvania: “THEREFORE, KNOW YE, That in conformity to the provisions of the Constitution and Laws of the said Commonwealth in such case made and provided, I do by these presents Commission you, PETER PAUL OLSZEWSKI, to be a JUDGE OF THE SUPERIOR COURT “of the Commonwealth of Pennsylvania, first priority of Commission.

“TO HAVE AND TO HOLD the said office, together with all the rights, powers and emoluments thereunto belonging or by law in anywise appertaining, for the term of TEN YEARS, to be computed from the first Monday of January, Anno Domini, One Thousand Nine Hundred and Eighty-four, if you shall so long behave yourself well.

“GIVEN: under my hand and the Great Seal of the State, at the City of Harrisburg, this nineteenth day of December, in the year of our Lord One Thousand Nine Hundred and Eighty-three, and of the Commonwealth the Two Hundred and Eighth.

/s/ Dick Thornburgh
Governor

/s/ William R. Davis _____
Secretary of the Commonwealth”

JUSTICE McDERMOTT: Ladies and Gentlemen, Judge William Cercone of the Superior Court will administer the oath of office.

JUDGE CERCONE: I, Peter Paul Olszewski

JUDGE OLSZEWSKI: I, Peter Paul Olszewski

JUDGE CERCONE: elected and commissioned

JUDGE OLSZEWSKI: elected and commissioned

JUDGE CERCONE: by the Governor of the Commonwealth of Pennsylvania

JUDGE OLSZEWSKI: by the Governor of the Commonwealth of Pennsylvania

JUDGE CERCONE: to be a judge of the Superior Court

JUDGE OLSZEWSKI: to be a judge of the Superior Court

JUDGE CERCONE: in and for the Commonwealth of Pennsylvania

JUDGE OLSZEWSKI: in and for the Commonwealth of Pennsylvania

JUDGE CERCONE: do solemnly swear

JUDGE OLSZEWSKI: do solemnly swear

JUDGE CERCONE: that I will support, obey and defend.

JUDGE OLSZEWSKI: that I will support, obey and defend.

JUDGE CERCONE: the Constitution of the United States

JUDGE OLSZEWSKI: the Constitution of the United States

JUDGE CERCONE: and the Constitution of this Commonwealth

JUDGE OLSZEWSKI: and the Constitution of this Commonwealth

JUDGE CERCONE: and that you will discharge the duties of your office with fidelity.

JUDGE OLSZEWSKI: and that I will discharge the duties of my office with fidelity.

JUDGE CERCONE: Congratulations!

JUDGE OLSZEWSKI: Thank you, Judge

When I think about Pennsylvania as being a place from Bucks County to Erie, and from Susquehanna to Montrose to Uniontown and Fayette County, and all the rest of those sixty-seven counties in between, we all know how big that is. With the help of people like you all over Pennsylvania who truly made it “Peter Paul in the fall!”, you have now guaranteed it to be “Peter Paul for all seasons!” For this, I am most modestly grateful.

I am grateful for the very fine words that were expressed here today by my colleagues.

I am grateful for the encouragement that people gave me two years ago; and despite our being unsuccessful, once again they encouraged me and helped me to get the endorsement of the Democratic Party.

I am grateful to my committee, to Joe Quinn, to Allan Kluger, and to all of those people who served on my committee.

I am very grateful to the Bar Association for their endorsement; and when we needed that financial help, they were all there to help. I

am grateful for that, because without their help and the help of people like you, we could not have put on the campaign.

I am grateful to the members of the Court of Common Pleas of Luzerne County for their support during the campaign when I took time off and they had to work a little bit harder. They never complained and they encouraged me to take more time off, if necessary, because they knew it was a big state.

I am grateful for all the nice things that were said, and there isn't very much more I can say on this great day.

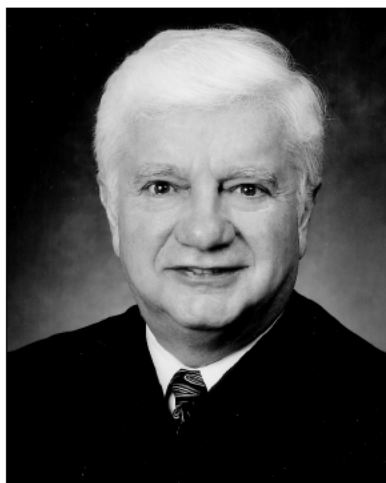
I am very proud for all the things that everybody has done, and I am grateful to all of the people of Pennsylvania. I can only tell you that I'll do my level best to be a good Judge for all of the people of Pennsylvania.

Thank you very, very much for coming.

BENEDICTION BY FATHER OLSZEWSKI: Thank you, Almighty God, for the many blessings which it has pleased you to endow us, for the grace of living in the land of plenty and the land of freedom. Grant that we may never become so accustomed to these great gifts as to be ungrateful for them or indifferent to You, the giver of all good gifts. Keep Judge Peter Paul in Your loving care so that he may serve You and our people as a worthy and true public servant, and may Your blessings be upon us all.

In the name of the Father, and of the Son, and of the Holy Spirit.

THE HONORABLE JOSEPH A. DEL SOLE



*November 16, 1940 –
Assumed Office: January 2, 1984
President Judge 2001–2006
County: Allegheny*

INDUCTION CEREMONY

PROCEEDINGS

(The Court was duly called to order, with The Honorable Edmund B. Spaeth, Jr., President Judge, Superior Court of Pennsylvania, presiding.)

JUDGE SPAETH: Good morning, ladies and gentlemen.

This is a very happy occasion for all of us, the welcoming of a new member to our midst, in the presence of his friends and family.

Would you please stand so that we may hear Reverend Reardon's invocation.

REVEREND REARDON: Father in Heaven, we praise you for giving us your son to be our Savior and Lord.

Bless all of us as we gather here today, and let us live happily in your justice, your peace and love, throughout these coming years.

Guide Judge Joseph Del Sole with your wisdom, your justice

and mercy, so that he may be an instrument of your divine justice in our Commonwealth.

Hear our prayer, Loving Father, for we ask this in Jesus' name. Amen.

JUDGE SPAETH: Thank you, sir.

The room is full. There are representatives here from many areas of friends, family and professions.

If I may just mention those on the bench, it is a great source of pleasure that with the members of the Superior Court, we have Justice Stephen Zappala of the Supreme Court, and Judge Francis Barry of the Commonwealth Court, our sister appellate courts.

Among Judge Del Sole's colleagues are Judge Tamilia, Judge Rowley, Judge Johnson, Judge Brosky, Judge Cirillo, and Judge Cercone.

We have in the audience representatives of federal courts and of the Common Pleas Court, Judge Del Sole's colleagues soon to be left behind. I know they will miss him. And we will hear from Judge Wekselman among them. And, there are also many elected officials of the county and the city.

It is a great tribute to the judge that so many public officials have come, not simply in their official capacity, but as a gesture of personal friendship and esteem.

If we may recognize George Weis of the Allegheny County Bar Association.

MR. WEIS: President Judge Spaeth, Justices and Judges of the Assembled Courts, and all of the many friends of Judge Del Sole:

Allegheny County is presenting one of its own, and it is doing so again with pride. Once again, one of the judges from our Court of Common Pleas is coming to you, and once again he requires no on-the-job training.

In fact, when he first took the bench in the Common Pleas Court, he required no on-the-job training then either. He had already established himself as skilled in the area of civil trials, and it was no problem at all for him to really slide right onto the bench.

His has been a career on the bench which is unique in many respects. One would think that he actually enjoys the job. You could not help but notice the quick smile which would come on his face when he

would see through a ploy that one of us was trying to get through.

You could also pick up the twinkle in his eye when a lawyer would be speaking and a non sequitur would appear, but only to those who are discerning.

You begin to wonder, however, how he could accomplish what he did. And, in this case, there was a tremendous volume accomplished, but not at the sacrifice of quality.

We saw him most active when he was handling the calendar control, which is an administrative function of trying to get all of the cases and all of the jurors, witnesses, et cetera, all lined up so that the cases could proceed rapidly, and yet do it without sacrificing the merits of the case.

We saw him at his best also when he would be working on the conciliations—that is the friendly disposition of cases by settlement—whenever that was possible. While doing those, he would handle the pretrial questions which inevitably arise right before a case is ready to begin the trial and, at the same time, he would be handling the problems which arise whenever several hundred of our citizens are called to serve as jurors.

In truth, there was nothing unusual about Judge Del Sole having one group of lawyers in his chambers, with whom he had just discussed a case, and having them sit there while they tried to resolve the questions he pondered to them about disposing of the case, going out of his chambers and having another group of lawyers sitting outside his chambers, discussing with them and having the same thing going on, and then walking down the hall to see how the jury selection process was coming along.

And I know from personal knowledge of his being stopped in the hall by a group of lawyers to render his decision on problems arising out of the selection of jurors.

Many of his decisions were made while walking down the hall. And, in none of those instances did the lawyers question his judgment ever to the extent of asking for a court reporter.

It is a remarkable tribute to how one can accomplish things.

I tried to find some definition as to exactly what he was doing, or how you could define how he got so much accomplished.

I thought at first of Parkinson's Law, that work expands so as to

fill the time available for its completion. But that seems to be the direct opposite of what we are talking about here.

So, I sought the opposite, and I naturally ran across the irrepressible Robert Benchley's writings. He put something this way. He said, Anyone can do any amount of work provided it isn't the work he is supposed to be doing at the time. But, that doesn't fit Judge Del Sole either.

I tried one of our legal scholars. One of our law professors had written an article, just this past month, pointing out that the trial of a lawsuit is very much like actors performing in the rendition of a good symphony orchestra.

And he pointed out that something like Beethoven's Ninth takes just as long to play now as it did when it was first written. So, it can't be the amount of time that is expended that determines the value of the selection.

In fact, he pointed out that we cannot make our symphony any more efficient by telling the musicians to fiddle faster. That little phrase itself as an illustration—fiddling faster—is no reference to the judge, of course, because he did move cases quickly, and yet without sacrificing the merits of the symphony being conducted.

But, I finally decided that we can't define this quality of how he was able to move so many cases without sacrificing the merits of any of them. So, we ended up, instead, with a commendation of a judge to you, a judge possessed with an indefinable attribute, plus a remarkable intelligence, that adds up to what only can be called a real doer, and someone who will be of great assistance to you and to the public on the Superior Court.

I thus am privileged to express on behalf of the Allegheny County Bar Association our enthusiastic commendation of Judge Del Sole to you, plus our own heart-felt congratulations to Judge Del Sole and his family for this well-deserved ascendancy to the Superior Court.

(Applause)

JUDGE SPAETH: Thank you very much, Mr. Weis. That brilliance that you mentioned will be very welcome on the Superior Court.

The Court recognizes Franklyn Conflenti.

MR. CONFLENTI: President Judge Spaeth, Members of the Superior Court, Justice Zappala—and, let's see, anybody else—

JUDGE SPAETH: Judge Barry.

MR. CONFLENTI: Judge Barry from the Commonwealth Court. And I see Judge Hester hiding in the back.

Well, to all the judges and ladies and gentlemen who have come here today to give honor and respect to a learned jurist and a good friend.

We congratulate this Court. More importantly, we congratulate the people of the Commonwealth of Pennsylvania for having made the selection of Judge Del Sole to the Superior Court. And we congratulate his family, because we know of the support that they have given him.

As I thought about this ceremony today, I thought that the only reason that this ceremony really takes place is because the judge will not be able to sit unless he takes an oath. It is like a witness. A witness is not permitted to testify unless the witness takes an oath.

The oath, of course, which will be later read and administered to the judge, indicates that he is here to defend and to support the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania.

As I thought about Judge Del Sole and what makes him able to do the things that he does, I felt a little bit too like maybe if George—my colleague George Weis—was the appellant, I feel a little bit here like the appellee. Because I think I know what makes Judge Del Sole go.

I think I know what makes most men go that I have some intimacy with. And I think the thing that makes most of us go—and in particular Judge Del Sole—is this thing that most of us are reluctant to talk about, but to which we often refer in privacy; this thing that we call virtue.

Now, there are many, many virtues that a man can apply; the virtue of honesty, the virtue of integrity—there are many. We could go on and on with a litany of things that men acquire in their lifetime that make them go, by what they read, by what they do, by what they eat, by what they think.

These make men go. And, if one man reads a hundred books in

a lifetime, he will be one kind of man. And if he goes to a hundred football games, he will be another kind of man.

So, it is the things, the aspects of life, the physical, the intellectual, the emotional, the spiritual and the social, the things that we do all of our lives, that make us go.

And as I looked at Judge Del Sole this past week in detail, I thought about one virtue that marks him more than any other. And if the virtue of charity is the kind of virtues—and I think it is—then the virtue of humility is its sister.

And I find in my own life, in regard to Judge Del Sole, that he not only is fair, firm, and compassionate as a judge, but I think he has in his soul another virtue, and that is the virtue of humility, the one that says, Take your honest place and do the thing that you were called upon to do.

And I have no doubt in my mind that when Judge Del Sole sits on this Court, that he will do so with great humility. And I know that this Court will accept him because of that fact, among all the others, but that fact in the main.

And so, on behalf of the Academy of Trial Lawyers of Allegheny County, as its president, I commend to you our distinguished jurist, Judge Del Sole, and may he sit with you for a long and happy and humble time.

Thank you very much, your Honors.

(Applause)

JUDGE SPAETH: Thank you, Mr. Conflenti, for those remarks. I am sure I speak for all the members of the Court in responding to both you and Mr. Weis in your perceptive identification of the qualities of our new colleague. We, of course, see his work and we know that what you say is true. And compassion and humility go, I think, to the heart of the appellate process. Judge Wekselman.

JUDGE WEKSELMAN: Thank you. President Judge Spaeth, Justice Zappala, Judge Barry, Judges of the Superior Court:

This is the second time in less than six months that I have had the honor of making remarks at the induction ceremony of one of my colleagues on the Court of Common Pleas of Allegheny County.

In July, I was privileged to make such remarks on the occasion

of the elevation of Judge Barry to the Commonwealth Court. On that occasion, I indicated the coupling of a sense of regret with my joy in Judge Barry's election success.

I then spoke briefly about the fact that although there is much more collegiality in the appellate courts, where decisions are made by panels or by courts en banc, than there is in the trial courts, where the decision-making process is, by and large, on an individual basis, Judge Barry and I quite often consulted and worked collegially.

I indicated then that my reliance upon Judge Barry was based upon three factors—my respect for his judgment; my genuine affection for him; and his proximity to me, he having occupied Courtroom 3 while I occupied Courtroom 4.

I have a distinct feeling of *deja vu* today. I have maintained a relationship with Judge Del Sole who occupied Courtroom 5, on the other side of mine, for the same reasons. Now that I have had the privilege of coming out of Courtroom 4 to help launch Judge Barry out of Courtroom 3 to the Commonwealth Court, and today have the privilege of coming out of Courtroom 4 to help launch Judge Del Sole out of Courtroom 5 to the Superior Court. I am beginning to have serious doubts about my program of personal hygiene.

(Laughter)

Judge Del Sole comes to the bench of the Superior Court with a background which will make him a valuable addition to that court. He was not very long at the bar before he established a reputation as an outstanding litigator. He was among the very youngest of lawyers ever elected to the Academy of Trial Lawyers of Allegheny County, and that election was on the basis of pure merit.

When he came to the bench of the Court of Common Pleas, he brought with him not only a swift and sure grasp of the law, but also a capacity for work which has seldom, if ever, been surpassed. He has established a well-deserved reputation on our Court for excellence and diligence which led to an outpouring of support for him in his effort to advance to the appellate level of our system.

Those of you who had occasion to come to know him during the recent election campaign know that he is a man with great self-discipline who does not suffer indolence and sloth with equanimity. Those of you who do not know him will soon learn that.

Not only has Joe Del Sole proved himself to be an outstanding trial judge, but he has displayed a talent—nay, a genius—for organization and the establishment of systems for the expeditious movement of litigation. You may be aware of the fact that his services have been utilized in surrounding counties for the establishment of procedures for the more effective disposition of cases.

In recognition of his outstanding record at the bar and on the bench, he was, in November of this year, elected to membership in the Duquesne University 100 Club of Outstanding Alumni, honoring the most accomplished graduates of that institution in its 105-year history. That tribute to Judge Del Sole was not based alone on his professional accomplishments, but took into consideration his contributions in religious, family and civic affairs.

Those of you who do not know him will find very quickly, as I did, that he is a judge who can find the kernel in the nut very quickly, and one who will do that which he is required to do with dispatch and without regard to the popularity of that which he knows must be done. You will find him to be a man of charm and wit, and an ability to conciliate and harmonize opposing views.

I am sure that all of my colleagues join me in wishing him well, and bidding him a fond adieu, confident in the knowledge that we are sending to you a judge who will be of immeasurable value to your bench as he was to ours.

(Applause)

JUDGE SPAETH: Thank you, Judge Wekselman. Now, you just mustn't get paranoid about this.

(Laughter)

Before the presentation of the commission, I should like to introduce the members of the judge's family who are here on this very special day.

Mrs. Phyllis Brickly, Mrs. Adelene Cutrone, Mr. and Mrs. August Del Sole, Mr. and Mrs. James Del Sole, Mr. and Mrs. George Smith, Mr. and Mrs. Steven Yesnick, Mrs. J. Honey, Mrs. Mildred Del Sole, Mrs. Enid Del Sole, Miss Dolores Del Sole, Mrs. Hilde Beck and Family, Mr. and Mrs. Albert Del Sole, Mrs. Josephine Visnick, Mr. and Mrs. Darryl Yesnick, and his sons and daughter Steven, Joseph and Christine.

Mrs. Del Sole will robe the judge after the commission has been presented and the oath of office has been administered by Justice Zappala. But, it is a wonderful, wonderful day for members of the family to see a beloved son and father recognized for all that he has done, and to assume new responsibilities.

If we may have the presentation of the commission. Mr. Feczko.

MR. FECZKO: If the Court, please, Judge Spaeth, Justice Zappala, and Members of the Superior Court, and Judge Barry:

In the name and by the authority of the Commonwealth of Pennsylvania, Governor's office, Joseph A. Del Sole, of the County of Allegheny, in the Commonwealth of Pennsylvania, greetings;

Whereas, it appears by the certificates and returns made according to law of the election held on the Tuesday next following the first Monday of November, Anno Domini, one thousand, nine hundred and eighty-three, and now on file in the office of the Secretary of the Commonwealth, that you have been duly elected a judge of the Superior Court of The Commonwealth of Pennsylvania;

Therefore, know ye that in conformity to the provisions of the Constitution and Laws of the said Commonwealth, in such case made and provided, I do by these presents commission you, Joseph A. Del Sole, to be a judge of the Superior Court of the Commonwealth of Pennsylvania, second priority of commission, to have and to hold the said office, together with all the rights, powers, and emoluments thereunto belonging or by law in any ways appertaining, for the term of ten years, to be computed from the first Monday of January, Anno Domini, one thousand, nine hundred and eighty-four, if you shall so long behave yourself well.

Given under my hand and the great seal of the State, at the City of Harrisburg, this 19th day of December, in the year of Our Lord, one thousand, nine hundred and eighty-three, and of the Commonwealth, the 208th.

Signed by the Governor, Dick Thornburgh.

JUDGE SPAETH: Thank you.

Now the oath of office will be administered by Justice Zappala. But, before the oath is administered, the justice will make some remarks. And then, after that, I will ask that you stand for the

administration of the oath. Justice Zappala.

JUSTICE ZAPPALA: President Judge Spaeth, Francis Barry, Distinguished Members of the Superior Court:

Many of you can't see this, but the new judge of the Superior Court is hanging onto Karen like you can't believe.

(Laughter)

And the reason he is really holding her hand is because it finally dawned on him that the election of 1983 was not because of merit, but simply because he had a very attractive wife and family that won that election.

(Applause)

Joe, you can leave her alone now. She is quite happy.

(Laughter)

Indeed, I wish to say that I deem this to be both a pleasure and also an honor to be called upon this morning to administer the oath of office to, not only a distinguished jurist of this Commonwealth, but to a person whom I consider to be a true friend and an extremely devoted family man.

To reiterate the many accomplishments of Judge Del Sole would at this point be redundant. He has, as you all know, distinguished himself in all fields of endeavor, be it the law, the community in which he resides, or for the magnificent family from which he comes.

I would like, however, to talk just for a few moments this morning about Judge Del Sole and the judiciary that he has so capably served and will continue to serve; a judiciary with the intention or desire to remain independent, and yet at the same time to be accountable to all residents of the Commonwealth.

Since 1722, the judiciary of this Commonwealth has been changed no less than seven times. And each change was preceded by human pride for reform. Yet, I may say that with all the clamor, the judiciary has endured and will continue to endure with such capable additions as Judge Del Sole.

And may I now quote from a former member of the judiciary, who just happened to have sat on this Court—referring to the Superior Court, which Judge Del Sole will now grace. The following words may now be used as a model. And it reads as follows:

We have good judges in Pennsylvania. Yet, it is unfortunate that they have fallen under the criticisms of prominent citizens, who in their sincere effort to promote certain changes, have downgraded the judges and their services.

Although these attacks are unfortunate, they are not surprising. For Americans always have whipping boys who are to be relegated to the woodshed for changes from generation to generation and from year to year.

The older victims we knew, the railroads, the oil companies, and Wall Street, now have given way to other victims. They being the drug manufacturers, the automobile makers, insurance companies, lawyers, doctors, and legislators. They have all hit the hit list.

But high on that list today in Pennsylvania are its judges. They do not deserve this attack. As a class, they are as able and conscientious as the judges of any judicial system in this country, including the federal system.

In this Commonwealth, under the leadership of its chief justices, they have through the efforts of the appellate courts been more current than any other judiciary system, including the federal.

In many Pennsylvania districts today, trials are held well within the six-month period of filing. And only in very few districts do we have the backlogs which this court has entertained.

The public, as we know, expects much of its judges. It rejects the thought that any human frailty should be tolerated under judicial robes. It demands far too much. The tides and currents which engulf other men do not pass judges by.

The judges do acquire instincts and habits and emotions and experiences. There is imposed upon them, as upon all men, the traditions of the groups to which birth, geography, education, occupation and fellowship have exposed them.

No effort can overthrow utterly and at all times the subconscious predilections in loyalties. Only conscious, self-disciplined and judicial temperament can help emancipate the judge from the suggestive powers of the likes and dislikes of these predispositions.

Generally, if the judges in this Commonwealth fall short of the required standard, it is because humans cannot obtain the perfection

that we seek in the law and those who administer it. A judge, it is fair to say, is expected to have the morality of a priest, the reasoning power of Plato, the legal knowledge of a Blackstone, the judgment of a Solomon and the patience of Job. None has quite made it, but I assure you there are only a few who have not and did not try.

Let me conclude this morning merely by giving to you what I consider the judge's prayer. And I know that this is, and will continue to be, the cornerstone upon which Judge Del Sole will not only reflect, but conduct himself in the graces of the Superior Court of Pennsylvania.

Oh, Lord, I would that all men I have judged and sentenced would die before me, because I would fain not think of leaving men who were imprisoned on my order to suffer human punishment in the prisons of this world. When I should appear before Thy throne, I would find them in spirit on the threshold to tell me that they know I judged them according to what men call justice, and if without knowing it, I have been unjust toward anyone, him more than any other, I would meet there to beg his forgiveness and to tell him that not a single time in rendering judgment have I forgotten that I am a poor human creature, a slave of error, that not a single time in sentencing or passing upon men's judgment has my conscience not been disturbed or trembling before an office which ultimately belonged to none but Thee, oh, Lord, the ultimate seat of all judgment.

I commend the residents of this Commonwealth for this young man who is now going to be elevated to the Superior Court. And I give you, Judge Spaeth, in my humble opinion, not only one of the finest minds of the Commonwealth, but one of the hardest workers that I have had the pleasure to know and work with in the Commonwealth.

Judge Del Sole, would you kindly now stand to take the oath. Would you repeat after me.

(Judge Del Sole, in receiving the oath, stated as follows:)

JUDGE DEL SOLE: I, Joseph A. Del Sole, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of Pennsylvania, and I will discharge the duties of my office with fidelity.

JUSTICE ZAPPALA: God bless you, Joe. Congratulations.

JUDGE DEL SOLE: Thank you.

(Standing ovation as the robe is put on Judge Del Sole by his wife.)

JUDGE SPAETH: Judge Del Sole, would you come up here.

(Judge Del Sole sat down with the other judges at the bench.)

JUDGE SPAETH: Judge Del Sole.

JUDGE DEL SOLE: When I look around this room, I can only think of one thing—Not bad for a kid from Carrick whose grandparents got off the boat.

(Laughter)

I tried last night to write some remarks. I was here yesterday and I thought Judge Tamilia had beautiful remarks. I know he prepared them. I just couldn't do anything. I couldn't write anything, because I was really filled with the thrill of being very fortunate.

We were able to start the day with mass at our church. The Mazzie choir came out and did the music, and it was beautiful. And, thank you, Father Reardon, for accommodating us this morning.

There are a few people in the audience that I wanted to take a little personal time to thank for everything that they have done for us. I have asked Judge Spaeth to avoid going through the litany of all the elected officials. That just gets longer and longer, it seems, every year.

But I do want to thank two very good friends who are elected officials, who are with us today; Register of Wills of Allegheny County Rita Kane, and City Council Member Sophie Masloff, who have been very helpful to me, and I appreciate them.

I also want to thank my good friend Mike McCarthy, who was tremendously helpful to me during the campaign. And our friends, George and Gloria Smith, and Gary and Sherry Brown. And, of course, my family, who have been very supportive of me.

Probably the best thing that could have happened in the last few weeks was that we were rearranging my daughter's room. And during the time I was telling her, you have to clean out the drawers, and so forth, she commented that she liked it better when I was campaigning around the state and not home.

(Laughter)

And I can appreciate that myself. I have been blessed with good

family and friends. I certainly have been blessed in serving on a very excellent court, the Common Pleas of Allegheny County.

I have made some tremendous friendships among the men and women who served on that bench, and I am going to miss them all. I can't say enough about them, because I have gotten to know them in the last five and a half years, and they have been very helpful to me personally and in my professional life. And I thank them for that, and I thank them for the help that they gave me.

George Weis was saying that I would be moving down the hall trying to answer questions. I was running away, George, trying to keep away from everybody, that they couldn't gain on me.

(Laughter)

I want to thank everyone here for coming, and certainly my wife and kids who have been very supportive of me during the last year especially. I only hope that with the grace of God that I will deserve the tributes that were made to me today.

Everybody should do this every once in a while, and hopefully you will learn humility. I don't think anyone is as good, as kind or as great, but we like to say they are at times like this. And I only hope that I will never forget about human frailties in performing my functions as a judge of the Superior Court.

Thank you all.

(Applause)

JUDGE SPAETH: Judge, we welcome you with respect and affection. We look forward to your companionship and your counsel. Of course, we don't have the depth of feeling that you do about this day, but just the same, it is almost as happy a day for us as it is for you.

The judge has asked that before we receive Reverend Filipovic's benediction, I extend to you on his behalf an invitation to a reception that will be on the ninth floor of this building in the Allegheny County Bar Association's quarters.

And now, if we may stand to receive the benediction.

REVEREND FILIPOVIC: Oh, Lord, our God, who at times past has administered justice, send thy Holy Spirit upon thy servant Joseph, to guide him, to protect him, and to constantly remind him that true justice only comes from Thee. May he serve this Commonwealth in honesty, integrity and may he ever be mindful of

the fact that he himself will stand before that great judgment seat to receive Thy justice.

We ask them in the name of Our Lord, Jesus Christ. Amen.
(Whereupon the Court adjourned.)

INSTALLATION CEREMONY
OF
THE HONORABLE JOSEPH A. DEL SOLE
AS PRESIDENT JUDGE
MAY 8, 2001

PROCEEDINGS

(Bell ringing)

COURT CRIER: The Honorable Judges of the Superior Court of Pennsylvania.

Oyez, oyez, oyez. All manner of persons having business before The Honorable Judges of the Superior Court of Pennsylvania, here holden may now appear and they shall be heard. God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE EMERITUS McEWEN: Thank you, Crier Carey, good morning.

Our esteemed crier Patrick Carey has opened this ceremonial session of the court with the traditional invocation, "Oyez, oyez, oyez." It occurs to me that this ceremonial session could also quite appropriately be termed a celebration session or festival session, that the traditional "Oyez" invocation of the crier could be replaced by "Alleluia, Alleluia, Alleluia." And why not? For surely this is the day that heaven has made for Joe Del Sole, the celebration of his ascendancy to the illustrious position of President Judge of the Superior Court. It is a role of honor and joy that I serve this morning, an honor exceeded only by my gratitude and joy. Gratitude for the decision of the President Judge that I commence this ceremony, the oath, in this awesome forum, this grand appellate chamber. And joy because the individual who will lead this court to the approaching demi-decade is an individual who knows and loves the law and this court. An individual of both uncommon wisdom and common touch. An individual for whom all of the Judges of this court have a very real respect and deep affection. The ceremony of the oath of President Judge Del Sole is as well a celebration of salute to Karen Del Sole, and the entire clan Del Sole. And we bid welcome and gratitude to distinguished scholars and jurists who are present this morning to

enhance that salute to this exceptional family. Including of course Justice Cappy on my right, from whom you will hear later, Justice Stephen Zappala in the audience in the first row, Justice Ron Castille who is also in the audience. President Judge Joseph A. Del Sole—Joe Del Sole to most, Little Joe to a particular friend, has been described as a wise judge, an insightful jurist, a kindly professor and most enjoyable companion. In sum, a splendid Judge, a worthy academic, a true friend. Joe Del Sole has been a Pennsylvania jurist for more than twenty-three years, six upon his beloved Allegheny County Court of Common Pleas, where he quickly got his recognition for his keen mind and intuition for the pragmatic and kindly temperament. And most recently eighteen years as a valued colleague upon the Pennsylvania Superior Court. And as importantly, he was elected in 1993 by the twelve members of the Judicial Conduct Board, in unanimous fashion, to be the very first chair of that Board at a very critical time in the history of judiciary in this Commonwealth, since it was necessary for that founding Chairman of the Board to be acutely aware that the rule and regulation and practices and procedures of that Board was to achieve a precious balance between the confidence of the citizenry and the judiciary and the competence of the judiciary that the board would serve well. An assignment that he performed superbly. As Plato and Augustine and Aquinas and Marshall have each insightfully lessoned, the lawgiver for all intents and purposes is not the individual who has the authority to write or to speak the law, rather the lawgiver is the individual who has authority to interpret the law. Thus the power of the court is in the words of the court for it is with words that the court commands and restrains both public power and private interest, doing so without sword or purse, because the power of the court is the power of the words that are spoken from the bench and inscribed upon its decrees. If the power of the court is based upon words of power then the word that gives power to the court is justice. Is it not clear, however, that because the court is institutional the word justice is but a concept. Thus it follows that a court can deliver justice only when its members are just Judges. And may I tell you, Judge Del Sole, represents the epitome of the term “a just Judge.” Joe, as this assembly accords you acclaim and appreciation, I know that your generous heart thanks

heaven for the gifts with which you have been blessed. A special insight that enables you to present concepts of vision with an eye that ranges far into the obvious and into the field beyond. A firm determination and boundless energy which lend their wings to attainment. A gentle tolerant spirit which blends so nicely to your buoyant instincts to bring others accomplishment and your fulfillment. And just as you thank heaven for those gifts so does this Court, because it is those gifts which this Court—members of this Court, each and all, admire you, salute you, and deliver our leadership unto you and into your exceptional mind and generous heart. May I now call upon Marvin S. Lieber, president of the Pennsylvania Bar Association, for remarks.

MR. LIEBER: Mr. Justice Cappy and members of your Court, Judge McEwen and members of your Court, it is a pleasure to join with everyone on this momentous occasion to honor my friend Judge Joseph Del Sole, his wife Karen, and his family on the occasion of his induction as president of the Superior Court of Pennsylvania. Judge, you lead a distinguished Court, one of the oldest state intermediate appellate courts in the country. It is a court of the people. A body made truly superior by its scholarly industrious Judges. I know that you have been in the forefront of the advances and technology for the court, but I also know that you and your colleagues in the Court endorse Judge Tamilia's comments in *Keystone of Justice*. These advances in technology must always be the servant while knowledgeable experience and dedicated judges and staff remain the heart and soul of a system of justice which requires human import and interaction and contemplated by our constitution and as shaped by our predecessors on this Court. Your elevation to this position confirms what those of us in Pittsburgh have known all along, that you are not only a jurist's jurist but a compassionate, fair and firm Judge, and a man driven by an exceptional work ethic, integrity and intellect. For more than twenty-three years you have served in Pennsylvania's judicial system as a Judge in the Allegheny County Court of Common Pleas, and a judge on the Superior Court of Pennsylvania. Your commitment to judicial integrity was acknowledged by your selection as the first Chairman of the Judicial Conduct Board of Pennsylvania. At the same time you shared your

broad knowledge of the law with so many lawyers here today and with your students at Duquesne University School of Law. You've been a friend to the Pennsylvania Bar Association, and we have appreciated the support you have given our organization over the years. Of course the road leading to the Superior Court has been challenging and has required much hard work and sacrifice from you and your family. But as we stand here today I know that you believe it has been well worth it. For your election to this office by your colleagues is a high honor and one you richly deserve. It's been said that there are four things required of a Judge, to hear courteously, to answer wisely, to consider soberly and to decide impartially. President Judge Del Sole we know you are fully prepared to do all four and to do them exceedingly well. May your path as President Judge of the Superior Court be guided by the bright light of integrity, by a firm and compassionate heart and most of all by your personal dedication to justice for all. Good luck, Your Honor, and best wishes from your colleagues at the Pennsylvania Bar Association.

PRESIDENT JUDGE EMERITUS McEWEN: Now we'll have remarks from Edwin L. Klett, President of the Allegheny County Bar Association. And while President Klett moves to the podium, may I mention that I overlooked earlier reference to the fact that this Court is honored for the collegiality played by our sister court, our little sister court, the Commonwealth Court. Because any number of—any number of those Judges are here at this grand celebration led by their President Judge Joseph T. Doyle. Thank you President Klett.

MR. KLETT: I appear here today on behalf of the Allegheny County Bar Association to extend greetings to all and congratulations all around. This is truly an important day because we honor one of our own, someone that we've known for many, many years, and we truly appreciate his dedication and commitment to the law. He distinguished himself early as a trial lawyer and was recognized as a member of the Academy of Trial Lawyers of Allegheny County. He went on the bench, Common Pleas Court bench, and distinguished himself there as well in the role of Calendar Control Judge, which is not an easy position to fill. Finally he ascended to the Superior Court and has been in our local view one of the most outstanding Judges to

serve on the Superior Court. His pursuit of excellence is demonstrated by his having obtained a Master of Laws Degree at the University of Virginia I believe in 1992, an advanced degree for a student of the law. He is a true—truly a renaissance man. He is a motorcyclist as some of you may know. I understand that the issuance of Harley Davidson motorcycles to each member of the Court will occur in due course. There is a problem developing, however. Mr. Justice Cappy, who's here today, is also a member of the motorcycle gang and he is a Honda man, and there are difficulties between Harley men and Honda men, so I don't know how this is going to work out as the years go on. I'm sure that they will reconcile their differences. Before closing, let me just say that President Judge Emeritus McEwen has distinguished himself in the role of President Judge, the collegiality which he has created amongst the court is truly outstanding. I'm confident that President Judge Del Sole will carry on that great tradition. Congratulations to all.

PRESIDENT JUDGE EMERITUS McEWEN: I've just been advised that I overlooked a very important person here this morning—a couple here this morning, I wasn't aware they were here. And it's a special treat for this Court to have them here. I'll ask them to rise if they will, and it's President Judge Emeritus James Rowley, who preceded me in this position of President Judge and now Judge Del Sole, and his wife Ruth, and he's blushing because he's not used to being singled out, but if you will, Jim and Ruth please.

(Applause)

PRESIDENT JUDGE EMERITUS McEWEN: We're going to proceed to the warmest, richest portion of this morning and that's the participation of the family. Before doing so, however, may I read a letter from our distinguished Attorney General Mike Fisher. Dear President Judge Del Sole, x that out, Dear Joe, of course to a friend of many, many years. Congratulations on your election as President Judge of the Pennsylvania Superior Court. I deeply regret that I cannot be with you, your family, friends and colleagues as they gather to witness your installation, but hopefully will have an opportunity in the near future to extend my congratulations in person. You have served the people of the Commonwealth with honor and distinction for many years as a Judge of the Allegheny County Court of

Common Pleas, and for the past seventeen years as a Judge on the Superior Court. I trust that you will continue to enjoy good health and success as you embark upon this latest challenge. Warm regards, very truly yours, Mike, Attorney General of Pennsylvania.

I now introduce Stephen J. Del Sole, Esquire, attorney and member of the bar, following in the footsteps of his father, to offer remarks on behalf of the family.

STEPHEN DEL SOLE: May it please the Court.

When I was volunteered to speak on behalf of the family today my father gave me a couple points of advice, and the first and primary point he said was to remember that he's still alive. And he said he's a young man, he has no interest in hearing his eulogy so soon. And the other piece of advice that he gave me, that he has given me on more than one occasion, is that lawyers that appear before him frequently don't realize when it's time to stop speaking and sit down and they usually do their client's causes more harm than good. So in keeping with those not too subtle points in mind I will try not to prematurely eulogize him and I'll keep my comments brief. In describing the tension that exists between a judge's personal convictions and his professional responsibilities, Justice Cardozzo said we are not to close our eyes as judges to what we must perceive as men. Cardozzo realized that what you perceive as a person and who you are as a person is inseparable from how one approaches the role as a judge. Following this insight, the purpose of my comments here today on behalf of the family is to pay tribute to the character of the person that we, his family, know, not as President Judge Del Sole, but as husband, dad and recently granddad, for the personal qualities that my father possesses are as or more important in my view than his professional accomplishments. No doubt these qualities have served as the catalyst for his professional success. Without them he could not be where he is or who he is. And who is he? He is a pragmatic problem solver. He's logical. He is logical at times to its frustrating fault. He is compassionate to all. And he is a student and teacher not only of the law but of life. And to me his most important and enduring lessons are continuously taught through examples. They are lessons of honesty, of integrity and of a quiet comfortable, dignity of person. Because of his reputation, whether I am on the street or in the

courtroom, it is with great pride and confidence that I answer yes to the inevitable question, “Are you Joe’s kid,” or “Are you related to the Judge.” In fact a member of the Court just recently recommended to me that I should wear a sign on my forehead that just says, “Yes, he’s my father.” It’s true for those of us who practice law that he casts a long shadow. And it is admittedly an intimidating legacy to live up to. After some humbling experiences in my own practice in the law my father has attempted to comfort me, attempted I say, by assuring me that when he started he too was either laughed out of or thrown out of some of the very finest courtrooms in Western Pennsylvania. Of course he also notes that at that time he had the benefit that nobody had any idea or cared what his name was. Now because of his reputation and accomplishments I did not enjoy some anonymity in my courtroom embarrassments. Because of his legacy I have had to endure lectures from the bench as to how my father would have never said anything quite so foolish in a court of law. I have had to watch opposing counsel gleefully cite to the opinions of the learned Judge Del Sole that inevitably destroy what I thought was my best legal argument. Thanks Dad. My grandmother frequently told the story about how my father came to the law by accident. He was an engineering student and an ROTC candidate at Carnegie Tech which is now Carnegie Mellon University. He wanted to be an engineer. He had plans to teach engineering in the Army. Unfortunately because of a vision problem in one eye he was ineligible for his commission. My grandmother recalls that he was heartbroken at having his life’s plan upended. But as my father has told me, life is what happens to you when you are frequently busy making other plans. What he must have originally viewed as the most unfair of circumstances was of course what we now know as the most fortunate turn of fate. For although he has a meticulous intellect and the logical and reasoned head of an engineer, he possesses a passionate heart devoted to justice and right. These are ideals loved by and embodied in my father and they have found their expression in the law. As Cardozzo said, one cannot close their eyes as a judge to what he must perceive as a man. When my father has perceived unfairness he has tried to justice. When he perceives wrong he tries to make it right. These simply stated but difficult to exercise

principles were Gospel in our family home. Because of his influence at an early age I knew what I wanted to be when I grew up, not a lawyer, but my father. What he perceives as a man and who he is as a person has and will continue to guide him as President Judge, and through him serve all the citizens of the Commonwealth whose day to day lives are profoundly touched by this Court. In closing, I know I speak for the entire family when I say that irrespective of his legal accomplishments or the title he may hold as President Judge we are so very proud to call him simply husband, father and grandfather.

Thanks and congratulations, Dad.

PRESIDENT JUDGE EMERITUS McEWEN: Thank you very much, Steve.

We all realize that Joe's heart is full this morning and his joy is unbounded and overflowed. And it's not just because he is ascending now formally to the position of President Judge, it's because as he does so he is able to be here with his family. Now you've just heard from son Steve, you're about to see daughter Kristen present the commission. And with them in the first row is young Joe, and if your dad is Little Joe I guess we're gonna have to get a name for you, Little, Little Joe maybe. And that is not to overlook the—the clan goes on and on and on as the generations that were met to serve. And sitting with Karen in the first row is little Sophia who looks to me about sixteen months I would say. How old?

STEPHEN DEL SOLE: Nineteen.

PRESIDENT JUDGE EMERITUS McEWEN: Nineteen months, okay, fine, well—they're very, very special. And the Pennsylvania Cable Network happily is recording proceedings and sending them throughout the Commonwealth and hopefully at the end of this session we'll be able to get a picture on PCN that this Commonwealth can see telecast a grand and beautiful family. A family in the law. May I now call upon Kristen Del Sole to present the commission of the Governor to her dad.

KRISTEN DEL SOLE: I have the commission from the Governor of the Commonwealth of Pennsylvania, Thomas J. Ridge, which reads as follows: Commonwealth of Pennsylvania, Governor's Office, the Honorable Joseph A. Del Sole of the County of Allegheny and the Commonwealth of Pennsylvania, Greetings.

Whereas a vacancy has occurred for the Office of President Judge of the Superior Court; and whereas you are now serving by virtue of a commission from the Governor as a Judge of the Superior Court; and whereas in accordance with Article 5, Section 10D of the Constitution of the Commonwealth, you are elected President Judge of the Superior Court by members of said court on December 15th, 2000:

Therefore know ye that in conformity to the provisions of the Constitution and Laws of said Commonwealth and such case made and provided I do by these present this commission to you to be President Judge of the Superior Court. You are therefore to have and to hold the said office together with all the rights, power and emoluments, there until belonging or by law in anywise appertaining from January 9, 2001 until January 8th, 2006, if you shall so long remain of the Judge of the Superior Court and behave yourself well. Given under my hand and the great seal of the State of the City of Harrisburg, this 7th day of March, Anno Domini, 2001 and of the Commonwealth the 225th. This has been signed by the Governor Thomas J. Ridge and witnessed by the Secretary of the Commonwealth. It is with great pride and honor that I offer this commission to be entered into the records of this Court.

PRESIDENT JUDGE EMERITUS McEWEN: Thank you very much, Kristen. Now I'll ask President Judge Del Sole to come forward for the administration of the oath by—absolutely. So we're going to have remarks prior to the—prior to the formal ceremony.

Mr. Justice Ralph J. Cappy of the Supreme Court of Pennsylvania.

JUSTICE CAPPY: Thank you, Mr. President Judge Emeritus, and I hope you indulge me just a few moments and a few comments on this very important occasion. I want to express to Joe and Karen how proud I am and how honored I am to be a part of this ceremony. I see seated in the front row a long time friend of Joe's and mine and others in this room, the former Mayor of the City of Pittsburgh, Sophie Masloff, and she'll have some understanding of the story I'm about to tell you which I hope the family will indulge me, they've heard it a number of times, as others have heard it privately. But because this group is larger than the family I'd like to explain to you

a short history of twenty-three years of friendship that Joe and I have, which of course Mayor Masloff is aware of. Friendships are made over years and years and back in 1978 on a spring morning in May I was seated at my desk at 7:05 a.m. Now those of my former colleagues from the Allegheny County bench look at me a little askew, I assure you it was 7:05 a.m. Fortuitously. Joe and I had gone through a rigorous process of interviewing, having applied for one of three vacancies on the Court of Common Pleas of Allegheny County. I didn't know Joe, I knew of Joe. I'm sure he knew of me, but we hadn't occasion to spend any time together. At 7:05 a.m. in the morning, I'll remember it as if it was yesterday, my phone rang at my desk and I picked up the phone, answered "Ralph Cappy," and the voice said, "Ralph, this is Governor Shapp." All of my friends knew that I had applied for this position and that I was in contention and I figured this was one of my friends playing a practical joke and I immediately responded, "really, well I'm Mickey Mouse and I am busy," and I hung up the phone. About two seconds later the phone rang again and a very authoritative voice came on the line and said "Ralph Cappy, this is Governor Milton Shapp, and don't hang up on me again." I recognized the voice, of course apologized profusely and the Governor then told me that at 9 o'clock that morning he was going to announce my nomination to one of the three vacancies existing on the court. I asked whom he had selected as the other two. He advised me that he didn't want to tell me that, he wanted to keep it confidential, and I would learn at 9 o'clock as everyone else in the world would, please don't say anything. I gained permission to tell my wife and my father of my nomination, hung up the phone, called them. Sitting there kind of contemplating this, the phone rings, I pick it up, and it's Joe Del Sole, who formally introduces himself and asks me if I have heard from the Governor. I said yes, have you, yes he called me, I said do you know who else, and he immediately said yes it was our friend Gene Strassburger. I learned right then at that moment that Joe obviously exuded a certain honor, and that the Governor had much more faith in Joe than he did in me with regard to divulging those names. But as we were commiserating about this early morning conversation, I remarked to Joe, don't you find it awfully remarkable that the Governor has selected three men in their

thirties. I was thirty-four, Gene who's seated on the left was thirty days younger than me, and Joe was thirty-six at the time. It was unheard of in 1978 that the three of us were selected and two of us Italian Americans, that doesn't make any political sense to me, none of us are in the Shapp part of the Democratic Party. Joe immediately responded, he said, "Ralph, don't be too concerned, he only selected one and a half Italian Americans my mother is Serbian." The second shock of the morning for me. I said "Joe, the truth is he only selected one Italian American, my mother is Serbian." Let me tell you folks, that's the only time in the history of the world that two Italian Serbians were selected for anything, let alone Judges of the Court of Common Pleas. But from that moment on Joe Del Sole and I became fast and loyal friends. Our families met, our kids met, we traveled together, we campaigned together, and I learned, and you've heard from these very fine people all the attributes that Joe possesses, but I learned on a very personal basis of this man's integrity, of his love of the law, his love of family, of his commitment to the judiciary, and of his commitment to this State and this Country. We are very fortunate indeed, Joe, that your colleagues, and they should be commended, have selected you to lead this Court. You have enormous shoes to fill both literally and figuratively, having to follow this man seated to my left and of course President Judge Emeritus Rowley seated in the audience. But I am absolutely certain that you will not only fulfill your responsibility but you will lead this Court to unparalleled heights. I want you to know that Janet and I congratulate you, Karen and your family. And I know I speak for Justices Zappala and Castille seated to my right when I tell you that our Court, each one of us, stands ready to assist you in any way in furthering your endeavors to lead this wonderful Superior Court of Pennsylvania. And I thank you personally for asking me to administer the oath, so if you will be kind enough to come forward I will do so. Would you mind standing please?

Joe, please repeat after me. I, and state your name.

JUDGE DEL SOLE: I, Joseph A. Del Sole.

JUSTICE CAPPY: Do solemnly swear.

JUDGE DEL SOLE: Do solemnly swear.

JUSTICE CAPPY: To support, obey and defend

JUDGE DEL SOLE: To support, obey and defend

JUSTICE CAPPY: The Constitution of the United States.

JUDGE DEL SOLE: The Constitution of the United States.

JUSTICE CAPPY: And the Constitution of Pennsylvania.

JUDGE DEL SOLE: And the Constitution of Pennsylvania.

JUSTICE CAPPY: And to administer the duties of the office of President Judge of the Superior Court of Pennsylvania.

JUDGE DEL SOLE: And to administer the duties of the office of President Judge of the Superior Court of Pennsylvania.

JUSTICE CAPPY: With fidelity.

JUDGE DEL SOLE: With fidelity.

JUSTICE CAPPY: So help me God.

JUDGE DEL SOLE: So help me God.

JUSTICE CAPPY: Congratulations.

JUDGE DEL SOLE: Thank you.

(Applause)

PRESIDENT JUDGE EMERITUS McEWEN: While we proceed to the robing of President Judge Del Sole by his wife Karen may I mention that I overlooked, and I hope all the Judges who are here that are not mentioned will understand, that I mention President Judge of the Municipal Court of Philadelphia, Lou Prezenza, who is here and I don't introduce him above all those other Judges who are here simply because he's the President Judge there, I introduce him, nor do I introduce him because he's from Saint Joseph's College, I introduce him because I'm from Saint Joseph's College. We proceed with the robing of President Judge Del Sole. Karen M. Del Sole, his cherished wife, now places the robe. It's a great moment.

(Applause)

PRESIDENT JUDGE EMERITUS McEWEN: And of course nineteen month old Sophie wondering what happened to Grandpa, where is he going?

PRESIDENT JUDGE DEL SOLE: Thank you all for being here this morning and helping us celebrate this day. I'm reminded as I watch the Academy Awards that nobody remembers what you said but they all remember if you speak too long and so I will try to keep that in mind. I want to recognize some of the people that have made this day possible for me. First, to my colleagues on the Court who

have selected me to serve as their President Judge. I am grateful for your confidence and trust. To the Judges of the Court of Common Pleas of Allegheny County who taught me how to be a Judge, my thanks. To my chamber staff who have kept me grounded in the job of judging, and the administrative staff of the Court who have made the transition of the administration seamless, I thank you. To the many who have through their efforts helped me politically over the years as I have sought judicial office, my personal gratitude. Though I can name not all that have been helpful, there are two people I wish to recognize for without their support I would not have become a judge or been successful in the elective process. Mayor Sophie Masloff and Register of Wills, Rita Wilson-Kane, who is not with us this morning. These women took a neophyte lawyer and guided me through the political area to a successful election. They blazed the trail for women to successfully enter politics, and they did it at a time when it was not fashionable to be a woman in politics. Sophie and Rita, thank you for all you've done for me, and Sophie for being here today. And to all that are here today, Justice Zappala, Justice Castille, President Judge Doyle and Judges of the Commonwealth Court, President Judge Prezenza, Judge Tom Wallisch, my former colleagues on the Court of Common Pleas of Allegheny County and the Federal District Judges. President Judge Emeritus Rowley, I thank you for sharing this day with our family. Most importantly I must thank my family for all they mean to me and for their unswerving love and support. Judge McEwen has introduced our son Steven, our daughter Kristen and our son Joe, and with us today is Joe's fiancée Lynn Lemley, Kristen's husband Todd Everle and Steven's wife Christine. All welcomed additions to our family whose love we cherish. And, of course, Sophia. I have learned from this child that grandchildren are God's gift to parents for having raised your kids. My brother Jim and wife Jean are here as are Christine's parents Lou and Jean Astorino, and I thank you for coming. But most of all I want to thank my wife Karen for all she has endured during thirty-six years of marriage. She has supported all that I've sought to do. And her love has been the strength of my life. I thank God for her every day. As I begin this task it is important to note that the Superior Court, one of the nation's oldest intermediate appellate courts, began—was established in 1895.

Over its more than a century of service it has been involved in most of the important legal issues of the day. I know that the Judges of this court will continue this tradition of service. We will continue to decide cases with reason and dispatch, keeping in mind the axiom justice delayed is justice denied. In that regard, next week we will begin providing access to our public dockets via the Internet. Also we are testing a new program to distribute our decisions electronically with full implementation expected by the fall. In conjunction with the Supreme Courts ongoing project we will continue to apply the new Pennsylvania appellate case management system to all our operations, knowing that substantial savings of time and cost will result. Also new administrative office locations are being considered to improve the work environment of our employees and their ability to do their jobs. And these are about a few of the innovations the Judges of this court envision in the very near future as we meet the needs of the citizens of the Commonwealth of Pennsylvania. And now a special thanks first to Justice Ralph Cappy. We have been friends since we were both appointed to the trial court twenty-three years ago. And try as I might I can't get him out of those foreign motorcycles, even trying to convince him that Harleys are manufactured in York, Pennsylvania, but he won't budge. Ralph, thank you for being my friend and being here today and administering the oath. And Janet thank you for coming too. And to President Judge Emeritus Stephen J. McEwen, Jr., thank you for presiding and for your kind comments. Judge McEwen is my predecessor as President Judge. He has been a great friend and mentor during my seventeen years on the court. The personnel he selected have remained in place and their experience has been invaluable to me as I begin my duties. Steve has demonstrated an unswerving commitment to congeniality on the court, so that while we may disagree with each other on legal issues, we are never disagreeable. In my personal opinion this is his greatest legacy. But, and there is always a but, those of us who have served with him during oral argument realize that he likes the courtroom warm. Some might say hot. In order to keep the promises I had to make to my colleagues on the court to cool off the courtroom, I have a gift for you Judge McEwen in hopes that we can all be comfortable.

PRESIDENT JUDGE EMERITUS McEWEN: And I've

sensed this is to be opened at the moment?

PRESIDENT JUDGE DEL SOLE: Yes it is, yes it is.

PRESIDENT JUDGE EMERITUS McEWEN: And I have to hurry, my mother would kill me if she saw me ruining this paper, she always saved the paper and the ribbon.

PRESIDENT JUDGE DEL SOLE: Depression baby.

PRESIDENT JUDGE EMERITUS McEWEN: That's right. Beautiful. President Judge Emeritus Stephen J. McEwen, Jr., a sweater.

(Applause)

PRESIDENT JUDGE EMERITUS McEWEN: Do you know how hard it is to get a sweater my size? You don't know the effort he went through. Thank you, Joe.

PRESIDENT JUDGE DEL SOLE: Well you have a great staff and they can keep a secret and we're thankful for them. To all of you that are here today, a thanks. I hope we haven't run over the time that—like the Academy Awards does and if—with your permission, Steven, Mr. Carey, you may adjourn the court.

PRESIDENT JUDGE EMERITUS McEWEN: I think everyone knows that there is a reception in the River's Club, so—following the ceremony.

CRIER: Court is adjourned.

(Applause)

THE HONORABLE JOSEPH A. DEL SOLE



SPECIAL SESSION
OF
THE SUPERIOR COURT OF PENNSYLVANIA

PORTRAIT DEDICATION
OF
JOSEPH A. DEL SOLE
PRESIDENT JUDGE EMERITUS

THURSDAY, SEPTEMBER 7, 2006
[11:18 A.M.]

Eighth Floor
City-County Building
Pittsburgh, Pennsylvania

PROCEEDINGS

COURT CRIER CAREY: Oyez! Oyez! Oyez! Let this ceremonial session of the Superior Court of the Commonwealth come to order: Kate Ford Elliott, Presiding.

Let all manner of person rise and attend. Let the family,

friends, and associates of the Honorable Joseph A. Del Sole, President Judge Emeritus, be joyful as the Superior Court convenes for this joyful occasion.

God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE FORD ELLIOTT: Good morning, everyone. Sometimes just gathering on the bench can be a logistic nightmare, but we're here.

I want to welcome all of you to this special session of the Superior Court of Pennsylvania. I would like to begin today by introducing the members of the Superior Court who are in attendance. I will do so in order of seniority.

We have Judge Joseph A. Hudock, Judge Michael T. Joyce, Judge John L. Musmanno, Judge Joan Orié Melvin, Judge Maureen E. Lally-Green, Judge Debra M. Todd, Judge Richard B. Klein, Judge John T. Bender, Judge Mary Jane Bowes, Judge Seamus P. McCaffery, Judge Jack A. Panella, Judge Patrick R. Tamilia, Judge John T.J. Kelly, Jr., Judge Zoran Popovich, and Judge Robert E. Colville.

I think you can imagine from the rather full attendance of the Superior Court today this is a special occasion. Unfortunately, because of either illness or simply because of unavoidable consequences, there are four members of our court who are unable to be here today, but they have contacted Judge Del Sole, and they have already extended their reasons why they couldn't be here. We miss them. We know they very much want to be here. They are:

Judge Correale F. Stevens, Judge Susan P. Gantman, President Judge Emeritus Stephen J. McEwen, and Judge Justin M. Johnson.

As you may all know, the Superior Court of Pennsylvania generally holds its sessions in Pittsburgh, Harrisburg, and Philadelphia. We open court this morning in our host city of Pittsburgh. We make a special note in Pittsburgh today because the City is mourning the loss of its leader, and perhaps its greatest cheerleader, Mayor Bob O'Connor. The members of this Court want to extend to the members of the O'Connor Family and to the entire City of Pittsburgh our heartfelt sympathy.

Turning to the reasons for this Court's Special Session today, we do so in complete celebration. We are here to honor the 17th President Judge of the Superior Court of Pennsylvania, the

Honorable Joseph A. Del Sole, who apparently has brought his own fan club. I'm not unsympathetic. I had a two year old when I was sworn in, and he had to be ejected from the courtroom.

The Honorable Joseph A. Del Sole, we honor you today with the presentation of your official portrait, which will hang in the Superior Court Courtroom in Philadelphia.

As we look around this courtroom today, we see several portraits of Chief Justices who have served the people of Pennsylvania through their leadership of the Supreme Court, and each portrait marks a special time in the history of that Court. A Court is very often identified by the name of the judge who leads it, and having had the honor and distinctive privilege of having served on the Superior Court during the Del Sole years, I can say that his leadership was distinguished by the example that he gave all of us.

His strong sense of integrity and his strong judgment have gained him the reputation as a judge's judge. He has served faithfully and well the people of this Commonwealth throughout his 28 years on the bench, and his legacy, both through his judicial decisions and his leadership of this Court, is now an important part of Pennsylvania history.

I speak of Judge Del Sole's judicial service in the past tense because, with a certain degree of sadness, on September 2, 2006, the judge retired from this bench. But retirement may be a false notion, because anyone who knows Joe Del Sole knows that he simply can't sit still, much less retire. In fact, he has already joined the law firm of Del Sole Cavanaugh, a firm founded in part by his son Stephen.

It must be nice, Joe, to leave the bench and automatically become a member of a firm that just happens to bear your name!

Judge Del Sole will no longer be serving the law from the bench, but his future work in the area of mediation and arbitration will continue to advance the purposes of the law for all who seek his counsel and his wisdom.

As your colleagues and friends, we want to wish you, Joe Del Sole, all the very best.

Now, Chief Justice Ralph Cappy, according to your program, was supposed to be here today to make special remarks, but he is unable to do so because of what is happening two miles away in

Oakland. So he has sent me a letter which he has asked me to read to Judge Del Sole and to his family and friends here today, and I'd like to do so:

“Unfortunate circumstances have prevented me from attending President Judge Emeritus Joe Del Sole’s portrait unveiling this morning. Rest assured that I am doing everything possible to get back to town in time for some portion of the lunch following the ceremony. Please extend my sincere regrets to Joe and Karen, the family, and all present.

“I know I was scheduled to make a few remarks as a friend of Joe’s, a duty which I would have fully enjoyed. I had intended to have a little fun reviewing with all of you his laconic and, some would say, rather laid-back approach to life, to any form of physical exercise, to motorcycling, to bocce ball, and there is so much more. However, such was not to be.

“It is common knowledge that our friendship began back in 1978, the day we were both appointed to the Court of Common Pleas. What I find remarkable is that I have enjoyed a true, loyal friendship with a man, as well as his entire family, for almost 30 years, notwithstanding the fact that he and I often intellectually disagreed on many legal, social, and personal issues.

“For those of you in the room who would call Joe your friend, you know that his genius is best reflected in his ability to be true to his own convictions while offering a counterpoint of view with the utmost genuine and sincere respect. This talent permeates every facet of his life, both professionally and personally. His mind is never closed and is always open to what he may ultimately determine as being a better point of view.

“We all know that the deliberative process which so characterizes Joe is always one driven by what he honestly concludes as being true and right. Joe’s excellence and commitment as a jurist are well known and are an accepted fact by all in our profession.

For those of you who know him well, the standard he has lived by in his professional life is the exact same standard by which he has lived his personal life. The recognition he is given today is hard earned and well deserved.

“As Chief Justice of Pennsylvania, I am proud to have been

associated with this man for my entire judicial career, and his advice and counsel will be sorely missed. I take solace in the fact that, while losing a professional colleague who will now move on to bigger and better things, I will continue to enjoy a cherished friendship, of which I am equally proud.

“Joe, my sincere apologies for not being there with you. Congratulations and good luck.

“Sincerely, Ralph J. Cappy, Chief Justice of Pennsylvania.”

Before I call on our next speaker, I would just like to spend a moment to make some introductions of some people who are here especially today to honor our Judge Del Sole. In addition to Chief Justice Ralph Cappy, other members of the Supreme Court who hoped to be here today were Justice Max Baer, Justice Cynthia Baldwin, and Chief Justice Emeritus Stephen Zappala.

Former members of the Superior Court in attendance are the Honorable Phyllis Beck, the Honorable John Brosky, and the Honorable Robert Graci.

From the Allegheny County Court of Common Pleas we have President Judge Joseph James, and the Administrative Judge of the Family Division and now President of the Allegheny County Bar Association, Judge Kim Berkeley Clark.

Also in attendance today we wish to recognize Donald J. Guter of the Duquesne University Law School and the Director of Judicial Services for the Administrative Offices of Pennsylvania Courts, Ms. Bunny Baum.

Thank you all for being here today to honor our friend and colleague, Judge Del Sole.

And now I would like to call upon the President Elect of the Pennsylvania Bar Association who would like to say a few remarks on behalf of the Bar Association for Judge Del Sole. Andrew F. Susko.

PRESIDENT-ELECT SUSKO: Thank you, Your Honor. President Judge Kate Ford Elliott, President Judge Joe James, President of the Allegheny County and Judge Kimberly Clark, family, friends, and distinguished guests of Judge Del Sole:

It is my privilege and honor on behalf of the Pennsylvania Bar Association to be a part of this portrait unveiling of President Judge Emeritus Joseph A. Del Sole. I am proud to be here as the President

Elect of the 29,000 member state Bar Association to celebrate this special occasion where the legal community recognizes the outstanding contribution of the Superior Court's past President Judge, Joe Del Sole.

I must also add that I am here on behalf of our PBA president, Pittsburgh's own Ken Horoho. Ken could not be here today, although he very much wanted to be. He is on the road and will open one of several important children's initiatives in Mechanicsburg, Operation Safe Surf, a partnership between our organized Bar, PBA, and the state's Attorney General, Tom Corbett, to protect children against Internet predators.

Joe, Ken sends you his personal well wishes and congratulations through me. And although he cannot be here in person, know that he is here with you in spirit.

I have had the opportunity to observe Judge Del Sole from the bar of the court and through his carefully-crafted and well-reasoned opinions for over 20 years while Joe has been a Superior Court Judge and I have been a practicing attorney at White and Williams. Joe has authored some of the most significant decisions of the Pennsylvania Superior Court, a Court that is truly outstanding, highly productive, and efficient as the intermediate appellate court in Pennsylvania.

Through my Westlaw research, Judge Del Sole, you have authored 707 opinions, 224 dissents. I don't know whether that means that you were right 7 out of 9 times or – And I don't have the figures on how many times the Supreme Court may have reversed you, but I'm sure it's a very few.

However, it is in the past 18 months that I have had the special privilege and opportunity to get to know Joe through his active participation and leadership in our own state Bar. In his quiet, steady, unassuming way, Joe has consistently exemplified excellence with distinction through his dedication and devotion to our profession.

Achieving professional excellence while maintaining independence and personal integrity, Joe makes a habit of choosing what is right, choosing the right course of action without hesitation, without fear of personal or political consequence, and without regard to what people may say or think. By his choices and actions over the course of 25 years on the bench, Joe serves as a shining example and

role model to all lawyers across the state and judges as well.

The organized Bar through the PBA promotes and protects our judicial system in Pennsylvania by providing education about the importance of judicial independence and the role of law. By the collective voice of the organized Bar, we say that the fair and impartial administration of justice without interest or bias is a defining and essential attribute of our third branch of government. We say public confidence and respect for judges and the justice system is not just an ideal but an essential ingredient for an effective court system and something that must be earned each and every day by the conduct of our Bench. By our collective voices we say that judges must be truly independent and free to follow and enforce the rules of law without fear of reprisal or retribution.

What we all know in this courtroom is that while lawyers will talk about these principles that we all cherish, the ideals of fair, impartial, and independent judiciary are, quite literally, aspirations or goals for all judges. But for a select few, these ideals become so embedded, so engrained, that they become character traits of the special judge.

And so it is with Judge Del Sole. Quite simply, Judge Del Sole represents the very best attributes that define what being a truly great judge is all about.

Let me close by saying that we at the PBA believe that one important measure of the success of a lawyer is their willingness to answer the call to action, to give time, as some in this room do, beyond the requirements necessary to discharge their professional duties. It is here through repeated, active, thoughtful participation and leadership in activities and programs of the organized Bar to the betterment of our profession where Joe has earned our deepest respect, admiration, and affection.

Joe, please accept these remarks as the organized Bar's applause, a standing ovation. We are happy to join in celebration with Karen and you at this very special moment, the making permanent of your presence as an enduring acknowledgment of your outstanding service to the profession as a judge and then as President Judge of this most respected and honorable Pennsylvania Superior Court.

Thank you.

PRESIDENT JUDGE FORD ELLIOTT: Thank you very much.

You know, one of the greatest assets and most important qualities of any appellate court is the strong sense of collegiality. I think we would all agree on the Superior Court that we share that sense of collegiality. Part of that is developing a very deep friendship, not just with each other but also with the members of our individual families.

That's why it is with a sense of melancholy today that we say goodbye to Joe as a member of this bench, but we also say a fond farewell to Karen. We are hoping that this will be short lived and we will see you many times again. But Karen has become a very good friend to many of us on the Court, and she's just a wonderful person, and we are very, very happy to have had that friendship over the years.

In fact, I said to my husband when I was hopeful of becoming President Judge last year that perhaps he should observe Karen Del Sole. She was the First Lady of the Court, and he could potentially be the First Spouse.

I don't know whether that will come through. But the other nice thing about having and sharing our families is we share stories about them. If we are parents of teenagers, we tend to share horror stories about them. But that eventually passes, and that has certainly with the Del Sole family. We have watched three young people grow up and become very, very fine adults and each pursue in their own way an opportunity to serve other people.

I'd like to take a moment to introduce the members of the Del Sole family. We have Kristen Del Sole Eberle, who is an attorney with Kirkpatrick and Lockhart, and her husband, Todd Eberle, who is a U.S. Attorney. They are represented also here by their three children, Grace, Charlie, and Hannah.

We also have Joseph M. Del Sole, who is a police officer with the Port Authority of Allegheny County, and his wife, Ms. Lynne Del Sole.

We have Stephen J. Del Sole, Esquire, who is here and also represented with his lovely children, Sophia Del Sole and Jack Del Sole.

We have Mr. James Del Sole, Mrs. Jean Del Sole. We have, of

course, the President Judge, who will speak and make remarks in a moment. And we have our dear friend Karen. We just hope, Joe, that you remember to keep sending us the pictures, because we've gone through each of the grandchildren's birth.

And now I would like to take this opportunity to introduce our artist of the portrait today. He is Mr. Robert Daley. And we would ask Mr. Daley to step forward to the portrait.

And I would also ask Sophia Del Sole, Jack Del Sole, Grace Eberle, Charles Eberle, and Hannah Eberle to accompany Judge Joseph Del Sole and Karen to the portrait, please.

Would you do us the honor, please, of presenting the portrait to the Superior Court of Pennsylvania.

[whereupon, the Official Portrait is Unveiled.]

PRESIDENT JUDGE FORD ELLIOTT: Judge Del Sole, would you honor us with some remarks.

PRESIDENT JUDGE EMERITUS DEL SOLE: President Judge Ford Elliott and Judges of the Superior Court, family and friends: I thank you all for joining our family on this occasion.

When I began as a new lawyer over 40 years ago, I would see in the various courthouses portraits of old, gray-haired judges. Now, I am one. For me, reaching this point proves the old adage that 90 percent of life's success is achieved by just showing up.

As I contemplated what to say, many thoughts crossed my mind. Possibly a retrospective on 28 years of judicial service. Or what the legal profession means to our society. But no one wants to hear old war stories, and in our hearts we know that our profession helps ensure liberty, freedom, and our way of life.

The choice then became easy. This is the time to give thanks. First, to my colleagues on this Court. You honored me by your confidence to select me as your President Judge. But, most of all, you honor me with your friendship. I have learned something from each of you, and my life is enriched by your presence. You are, without a doubt, the easiest herd of cats one could shepherd, and your daily commitment to the work of the Court is an inspiration.

I was also fortunate to inherit an administrative staff that was experienced, loyal to the Court, and highly competent. Mitch, Michele, Gina, David, Ernie, Charles, Kathy, Ellie, my thanks to each

of you for your constant efforts to ensure the smooth operation of the Superior Court.

Judges are judged by the quality of their work, and I was blessed with a great office staff. Joyce Hanzel, who is my secretary for 31 years and could somehow read my writing. And, when she couldn't, could improve on what I was trying to say by making it up.

Caryn Chernicky, my chief law clerk, began her law career with me in 1984, as did Dolores Bianco. And Cathy Brethold, the most recent addition to my chambers. All helped me immeasurably in producing the work of the Court which is our responsibility. They kept everything going day in and day out, kept me grounded, and are dear friends.

I have been blessed with good friends, both personally and professionally, all of who have added immeasurably to my life, and I thank them.

Most of all, I have enjoyed the wonderful love and support of my family. My parents, my brother Jim and his wife Jean and his family have helped me along this journey.

The President Judge has introduced our children and grandchildren: Joe and his wife Lynne; Kristen and her husband Todd with their children, Grace, Charlie, and Hannah; Stephen and his children, Sophia and Jack. They are truly the greatest accomplishment of my life.

But I could never have had any success without the support and friendship of the love of my life, my wife Karen. She has held my hand, she has pushed and pulled when necessary, and expressed her love in countless ways over 41 years. Without her, I doubt I would have accomplished much in life. She is the heart and soul of our family and most responsible for all that makes my life complete.

I love you, Honey.

And so, my friends, I thank all of you for sharing this day with me, and I will take this liberty, with the consent of the President Judge, and enter one last order: Jurisdiction relinquished.

Thank you.

PRESIDENT JUDGE FORD ELLIOTT: On behalf of the family, Judge Del Sole and Karen Del Sole, I would like to extend an invitation to everyone to attend a luncheon at the Rivers Club

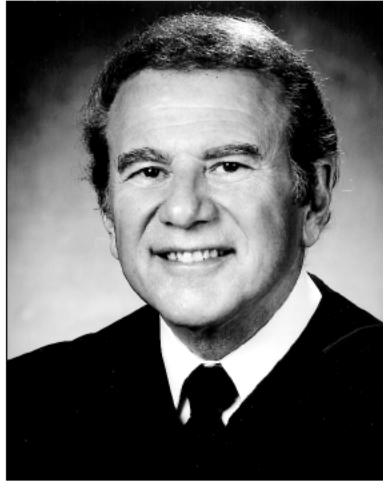
immediately following our ceremony.

And, at the request of Judge Del Sole, this Superior Court of Pennsylvania will adjourn today in honor of the memory of Mayor Bob O'Connor.

Mr. Carey.

Court CRIER CAREY: This very Special Session of the Superior Court of Pennsylvania is now adjourned.

[whereupon, the proceedings were adjourned at 11:44 a.m.]

THE HONORABLE PATRICK R. TAMILIA

INDUCTION CEREMONY
of
The Honorable Patrick R. Tamilia
as
Judge of the Superior Court
of
Pennsylvania

11:00 A.M.
Wednesday, December 28, 1983

Courtroom of the Supreme Court
Eighth Floor, City-County Building
Pittsburgh, Pennsylvania

Presiding Officer

The Honorable Edmund B. Spaeth,
President Judge, Superior Court of Pennsylvania

Invocation

Bishop Adam Maida,
Bishop, Catholic Diocese of Green Bay, Wisconsin

Remarks

George Weis, Esquire,
President, Allegheny County Bar Association

Frank Boyle, Esquire,
President, Pennsylvania Bar Association

Reading of Commission and Remarks

The Honorable Joseph H. Ridge
Judge, Common Pleas Court of Allegheny County

Oath of Office and Remarks

The Honorable John P. Hester
Judge, Superior Court of Pennsylvania

Response

The Honorable Patrick R. Tamilia

Benediction

Reverend Anthony Cipolla
Chaplain, McGuire Memorial Home for Children

Wednesday Morning,
December 28, 1983

(The Court was duly called to order, with The Honorable Edmund B. Spaeth, President Judge, Superior Court of Pennsylvania, presiding.)

JUDGE SPAETH: Good morning.

This is a most happy occasion – completely belied by the gloomy weather outside – and a source of great joy to Judge Tamilia’s family and friends who line this courtroom from wall to wall, with only standing room, and to the members of the Superior Court.

If we may start with an invocation. Bishop Maida.

BISHOP MAIDA: Oh, God of Love, fill the spirit of every human person with your charity, teach us to love one another as you have loved us, and remove from our lives any trace of hatred, prejudice, violence, and ill will.

Oh, God of Justice, permit us to see and understand the dignity with which you have endowed us, the equality you have asked us to share with each other, and the honor with which you have clothed our human dignity.

Oh, God of Peace, we ask for your peace in our world, in our cities, in our relationships with our fellow citizens, and in the hearts of all good people.

Oh, God of Hope, we look to you for the fulfillment of every human desire for peace in our world, peace among all people, and

justice for all.

Oh, God of Goodness, we thank you for this day, on which we honor Judge Patrick Tamilya. Inspire him with your wisdom so that he may live each day with trust in you. Help him understand and implement your law as he gives himself in service of our community. Teach him to promote justice in the world. Bless him and his family with your graciousness in life, so that as they give themselves in service of others, they may possess the rich experience of your peace, strength, wisdom and joy.

We ask this all in the name of the Lord.

JUDGE SPAETH: Bishop, thank you for that, which I am sure, will not only be welcomed in Judge Tamilya's heart, but in the hearts of all of us.

If I may, with trepidation, identify at least some of the people who have come to honor Judge Tamilya and his family.

Of course, with me on the bench of the Superior Court are Judge Brosky, Judge Johnson, Judge Montgomery, Judge Cercone, Judge Popovich, Judge Rowley and Judge Hester who will later swear in Judge Tamilya and introduce the members of his family.

But there are many others. Justice Zappala, Justice Elect Papadakos from the Supreme Court, Judge Weis from the Court of Appeals for the Third Circuit, Judge Teitelbaum, Chief Judge of the United States District Court, and Judge Francis Barry of the Commonwealth Court.

Also, members of the Court of Common Pleas of Allegheny County, Judge O'Malley, President Judge, Judge Del Sole who will very shortly become a member of this Court, Judge Farino, Judge Louik, Judge McGowan, Judge Scheib, Judge Smith, Judge Bigley, Judge Livingstone Johnson, Judge Musmanno, Judge Wettick, the administrative judge of the family division, Judge Narick, Judge Cappy, Judge Clarke, Judge Dauer, Judge Horgos – it is wonderful, the tributes paid to Judge Tamilya by his colleagues –

And from a neighboring county, Judge Salmon from Beaver County.

Other judges from the district court are Judge Mansmann, Judge Simmons, Judge Ziegler, Judge Dumbauld, Judge Diamond, and Judge Mencer.

Judges know each other, and they see each other's works. They share in each other's problems. And when we have a tribute like this from one's peers, it is a source of great joy and legitimate self-satisfaction.

The public officials who are here form a most distinguished list.

They are the mayor of the City of Pittsburgh, Mayor Richard Caliguiri; Allegheny County Commissioners Tom Foerster and William Hunt; Allegheny County Row Officers: Rita Kane, Register of Wills; John Kyle, Clerk of Courts; Frank Lucchino, Controller; Joshua Perper, Coroner; Jean Milko, Jury Commissioner; Michael Della Vecchia, Recorder of Deeds; Eugene Coon, Sheriff; Jay Costa, Treasurer; Bob Colville, District Attorney; and John Joyce, Prothonotary. Also present are William Robinson, Executive Director of the Prison Board; and Allegheny County commissioners elect Pete Flaherty and Barbara Hafer.

And Ben Woods, Eugene DePasquale, Tom Flaherty, Richard Gibens, all of these are from Pittsburgh city council. And, of course you know, Michele Madoff. And Sophie Masloff, Jim O'Malley, William Robinson, Robert Stone, and two councilmen elect, Jack Wagner and Steve Grabowski.

I don't doubt, Friends, that some are here that I have missed. Please forgive me for that.

As a matter of fact, here is one, Veronica Connelly of the State Committee for Women from the 40th Congressional District. And I know there will be others that I have overlooked, and that I should recognize just by looking out at the crowd in front of me. But, pardon me for that.

The important thing is that Judge Tamilia knows you are here, and later will have the opportunity to receive your good wishes.

Your program indicates that two distinguished lawyers had hoped to make remarks on behalf of Judge Tamilia. One of them, Frank Boyle, President of the Pennsylvania Bar Association, has just gotten word to us that he will not be able to be here, because his plane was not permitted to land. So, he came and looked, and returned.

However, we are fortunate to have George Weis, the President of the Allegheny County Bar Association. Mr. Weis.

MR. WEIS: President Judge Spaeth, Distinguished Members of the Superior Court, and what sounds like hundreds of judges behind me, and all of the family and friends of Judge Tamilia.

1983 is going to be remembered not only for the coldest holidays in our history, but it is also the year in which the elections have decimated our Court of Common Pleas. We have lost four, or we are in the process of losing four of our hardest working judges. One to our Supreme Court, one to our Commonwealth Court, and two to the Superior Court.

I don't recall anything like this having happened in my days. We are just hoping and praying that in the next few months we will be

able to get some competent replacements.

An indication of the problem is the history of Judge Tamilia. Here is a young man who went onto the Common Pleas bench and did not require on-the-job training. He had so much knowledge about Juvenile Court that he was able to step onto the bench without any help, really, and get right to work.

He has been with us for many, many years, as you know, and his efforts on behalf of the family and children are known throughout this entire area, throughout the state, and through many parts of the country.

Some may say that working with children is an entirely different world. And, of course, it is. In fact, it has been said that children are a great comfort in your old age—and they help you to reach it faster. (Laughter)

I suppose in a more serious vein, and more in keeping with Judge Tamilia's efforts with children, would be Alexander Pope's quotation: "Tis education forms the common mind,
Just as the twig is bent, the tree's inclined."

This describes far more the efforts of Judge Tamilia. And he has worked with programs for families, delinquent children, abuse cases, unwed mothers, chemical dependency problems with the young, and also mentally ill and disturbed children, just to mention a few.

He has been honored many, many times for his efforts in these fields. I think it is obvious that we have a judge who will be of great assistance to you in this day – which we don't care to recognize yet – a day in which we are leaning more and more on specialization among our judges, even as this is happening among the members of the bar.

Judge Tamilia certainly brings that to you and, as is obvious from the work he has done, he has gained an experience and an understanding in the areas where he has worked that are beyond comparison, I believe, anywhere in the Commonwealth.

And in that process, he has accumulated an astounding reservoir of both compassion and patience, two wonderful qualities nowadays.

So, the members of the Allegheny County Bar Association are parting reluctantly with one of our experienced, steady workers on the bench. Our county is the lesser for it, but the entire state is the better.

On behalf of the Allegheny County Bar Association, I therefore with confidence commend Judge Patrick Tamilia to you, and I express our admiration and our congratulations to Judge Tamilia and his family on this, the latest advance in an already illustrious career.

Thank you. (applause)

JUDGE SPAETH: Thank you, Mr. Weis. You do know that the

Court shares your feelings, and that we do indeed welcome the judge to our midst, and look forward very much indeed to his working with us.

And now, if we may have the reading of the commission. Judge Ridge.

JUDGE RIDGE: May it please this Honorable Court, President Judge Spaeth, and the other distinguished judges of the Superior Court:

I am privileged today to be permitted to present the document commissioning the Honorable Patrick R. Tamilia to serve as a judge of this honorable Court.

I have been a friend of Judge Tamilia's for 22 years, and a judicial colleague of his for the last 14 years. It is not very difficult for me to mark the commencement of our friendship, for it began on this very day and month – indeed almost at this very hour – 22 years ago on December 28, 1961.

On that date, I was sworn in as a judge of the County Court – a happy memory – and I formally met Judge Tamilia as he passed through the reception line. He was then serving the court well as the director of the domestic relations division of the court, and was serving as the only law clerk to six of the judges, who benefited greatly by his service.

He brought to the court great administrative ability in dealing with the problems connected with the operation of a family court, and he showed much innovative ability. Pat was the scholarly type, who early exhibited a judicial manner and temperament that allowed him to hear carefully, to consider wisely, and to judge promptly those matters of concern to those of us who were in that sense superiors of his at the time.

He came to the Common Pleas bench in 1970, after being twice rated by a merit selection committee as the most qualified for judicial office. He served the people of this county well and ably as a member of the family division of the Court of Common Pleas for over 10 years, bringing to that court a wealth of experience, and 17 years of experience in dealing with matters of law within its jurisdiction.

He was urged by many of us to transfer to the criminal division. I count myself as chief among the urgers, because I knew of his abilities, and I knew that he could be a great help to us in dealing with the problems faced by that division.

And so it came, when another of our worthies, Judge Popovich, was elevated to this Court that Judge Tamilia then became a member of our criminal division. He has been, during that period of time, a highly capable and a very productive trial judge. He has the respect of

his fellow judges and, indeed, of all the members of the criminal trial bar.

His elevation to the bench clearly leaves a void that will not easily be filled. And, to all of us who labor in the criminal division, it could not come at a more difficult time for us, when we are laboring very hard to maintain our efficiency.

I note in passing that the left side of the bench, as it appears to me, are all those who came from the fifth floor of the courthouse, from whence hails Judge Tamilia.

Judge Spaeth, I say to you at this time that what is a loss for the criminal division of the Court of Common Pleas of Allegheny County is truly a gain, a great gain, for the Superior Court.

As a fellow Duquesne alumnus of, I am very happy that Judge Tamilia will be in a position now where he can reflect further credit upon that great university and its law school, of which he is a graduate.

Needless to say, I am very happy for Pat and for Betty Tamilia and their two fine sons, and we certainly wish them well.

And now, with the Court's kind permission, I will read the commission:

In the name and by the authority of the Commonwealth of Pennsylvania, Governor's office, Patrick R. Tamilia, of the County of Allegheny, in the Commonwealth of Pennsylvania, greetings;

Whereas, it appears by the certificates and returns made according to law of the election held on Tuesday next following the first Monday of November, anno Domini, one thousand, nine hundred and eighty-three, and now on file in the office of the Secretary of the Commonwealth, that you have been duly elected a judge of the Superior Court of the Commonwealth of Pennsylvania;

Therefore, know ye that in conformity to the provisions of the Constitution and laws of the said Commonwealth, in such case made and provided, I do by these presents commission you, Patrick R. Tamilia, to be a Judge of the Superior Court of the Commonwealth of Pennsylvania, fifth priority commission, to have and to hold the said office, together with all the rights, powers and emoluments thereunto belonging, or by law in any ways appertaining, for the period of ten years, to be computed from the first Monday of January, anno Domini, one thousand, nine hundred and eighty-four, if you shall so long behave yourself well.

Given under my hand and the great seal of the State, City of Harrisburg, this 19th day of December, in the year of our Lord, one thousand, nine hundred and eighty-three, and of the Commonwealth two hundred and eight.

Signed Dick Thornburgh, Governor. Attested to by the Secretary of the Commonwealth.

JUDGE SPAETH: Thank you, Judge Ridge.

And now, if Judge Hester will administer the oath of office.

JUDGE HESTER: Before I administer the oath to Judge Tamilia, it is appropriate that I say a few words.

The people of Pennsylvania in general, and the members of the Superior Court in particular, are fortunate that Judge Tamilia has been elected to the Superior Court. The expertise he has acquired as the result of his dedicated service to the people of Allegheny County in the capacity as the Director of our Domestic Relations Branch, as a judge of our Juvenile Court and Family Division, and recently, as a judge of our Criminal Division, render him uniquely qualified to serve on the Superior Court of Pennsylvania. Pat Tamilia is a dedicated, learned, patient, productive member of one of America's finest trial courts. The Allegheny County court system has long been nationally recognized as one of this country's leading metropolitan courts. Judge Tamilia has been a major contributor to that exemplary record. In my considered judgment, Pat's finest contributions to our system came as the result of his service in our Juvenile Court. As the result of the breakdown of the moral standards in our society, the vast increase in our divorce rate resulting in broken homes, and abandoned, disoriented children; the lack of parental guidance; the use of drugs and alcohol by teenaged children, and the increase in brutal, senseless, juvenile crime, the task of the conscientious Juvenile Court judge in this metropolitan area is monumental. Judge Tamilia's handling of the heartbreaking issues of child-custody, temporary and permanent placements, and child welfare all reflect the deep concern this judge has demonstrated for the young individuals under his jurisdiction. Pat grew in stature along with the burdens of the Juvenile Court. The juvenile division is undermanned – as are the civil and criminal divisions. Allegheny County has never had its proper compliment of judges. Working under impossible conditions at Shuman Center, Judge Tamilia made the system work. We will never know how many youngsters were able to put their lives back together and become productive members of the community – as the result of the firm, fair guidance they received at the hands of Judge Tamilia. For his work with juveniles, he has received well-deserved, nation-wide recognition. But he has maintained such a low public profile that the majority of the people, and the media, will never realize, and therefore, never appreciate, what major contributions he has made in that field. Duquesne University recently recognized Judge Tamilia as

one of the 100 outstanding individuals to graduate during that institution's first 100 years of its existence.

Now Judge Tamilya moves from one of the busiest, most productive trial courts in the nation, to the busiest, most productive, most over-burdened, appellate court in the nation. I can assure you – he will not be accorded time to catch his breath, nor would he want it.

It is worthy of repetition that we are all most fortunate that the bench has attracted and retained Patrick Tamilya – and this – irrespective of the fact that when he became my first law clerk, my original suggestion to him was to apply for admission to Pitt Medical School forthwith – advice that he, as well as his two fine sons, have seen fit to ignore. And now will you all please rise.

You will raise your right hand, of course, Pat.

Do you solemnly swear that you will support, that you will obey, and that you will defend the Constitution of the United States and the Constitution of this Commonwealth, and you will discharge the duties of your office with fidelity?

JUDGE TAMILYA: I do so swear. (applause)

(Standing ovation as the robe is put on Judge Tamilya by his wife.)

JUDGE SAPETH: Judge, may we ask you to join us on the bench, please.

(Judge Tamilya sits down with the other judges at the bench.)

JUDGE SPAETH: Judge Hester.

JUDGE HESTER: I think we should all at this time be introduced – or reintroduced – to the long-suffering members of Judge Tamilya's family. Because those of you that have either been on the bench or married to or lived with or helped raise an individual who is serving in a judicial capacity in Pennsylvania during these years, have truly earned the title long-suffering.

We would like you to know Pat's very lovely mother, Mrs. Catherine Tamilya (Applause).

And his wife of many years, the very lovely Betty Tamilya (applause).

His number one son, Mark, and his wife, Cathy (applause).

His number two boy, Arturo – sometimes known as Arthur – and his wife Janet (Applause).

Pat's brother Joseph and his wife Rose Guiseppi (applause).

The judge's sister Jeannette and her husband Elder (applause).

His brother John and John's wife Ann (Applause).

Pat's sister Lorraine (Applause).

His brother Ronald and Ronnie's wife Bernadette (applause).

Pat's Aunt Antoinette Cappezutto (applause).

His Aunt Mary Capasso (applause).

His Aunt Edith Marone (applause).

And his Uncle Joseph Mareno (applause).

And no gathering of this type would be complete without the presence of one of the patron saints of the Italian Sons and Daughters of America, the renowned Guy V. Mendola (applause).

Also, Dr. Thomas Detre, the Vice Chancellor of the University of Pittsburgh (applause).

And a fellow law clerk of our Court of Common Pleas, who now serves as the distinguished Dean of the Duquesne University Law School, John Sciuлло (applause).

Thank you.

JUDGE SPAETH: Judge Tamilya.

JUDGE TAMILYA: It is my privilege and opportunity to respond and make comments as to some of the fine remarks made about me here. It is very hard to come before such a body of people like this, who know me – and judges of the Superior Court with whom I have dealt in awe before now – and now I must partake of their stature. It will take some time to become accustomed to that.

But, in order not to get too far afield, I prepared some remarks. That is the best way, usually, to put out or put forth the kinds of thoughts that one has concerning these momentous occasions.

So, with that, Bishop Maida, Judge Spaeth, my colleagues of the Superior Court, Judges of the Trial Courts, Judges of the Commonwealth Court, Judge Weis, Judge Teitelbaum, Judge Barry, my family, friends, and other public officials who may not have been mentioned. There are so many of you here, it is very hard to identify all of you by name.

It is with mixed emotions that I come before you today. Seated on this bench, I am filled with great anticipation. Through judicial endeavors, which I know will challenge me intellectually and call upon my creativity and sense of public responsibility, I look forward to the collegiality of the appellate bench and to the opportunity to explore issues in depth and to contribute to that vital and evolving organism of law that is the keystone of our democratic process of justice.

After 31 years of many varied aspects of the court system, in which I have been continuously involved in some direct or support function of the trial court, I feel an acute sense of loss in no longer being involved in the day to day contact with the public, the bar, and the community.

Trial judges, particularly in the family and criminal divisions, are the only elected officials who deal daily with the public on a one-to-one basis. Trial judges are at the cutting edge of every new trend of law and every new twist in social or philosophic change.

They must make the adjustments, hold the line, and be the bulwark against confusion, turmoil, and chaos.

After 14 years as a trial judge, I can only say the 300-plus trial judges in Pennsylvania are the best, the finest investment in democracy that the Commonwealth can make. While the appellate courts chart the course, the trial judges man the ship and carry the cargo, and deliver the goods to port.

Only with the courteous, professional, and concerned cooperation between the bench and the bar can the most open and vital system of justice known to the world function so well.

To me, the judicial experience has been a sacred trust. I have been entrusted with the monumental responsibility to deal with the lives of children, families, men, and women. I gave to that calling all I could bring in concern, interest, and creativity.

I believe my election to the Superior Court was a response by the public to my commitment to the people. By my induction to the Superior Court, I am dedicated to the continuation and extension of that commitment. There is no higher calling, nor any greater goal, than to serve the people.

I feel it is a great honor and privilege to do so. And with the help of God and the support of my colleagues, I hope to do it well.

It has been said that the bureaucrat never tries anything for the first time, but it is left to the discoverer to reach into the unknown, and find new ways and new concepts out of the love of pursuit.

I hope to be an explorer, to help this Court achieve new goals and fulfill a sacred trust.

I express my deep thanks and appreciation to my wife, my family who have tolerated many hours of loneliness, to my supporters and friends, who against many adverse indicators on occasions from about a year ago, kept the faith and supported me and continued to support me throughout this very difficult year, and to the public who ultimately made the decision that placed me on this bench.

And it is my determination to fill the responsibilities imposed on me by the Constitution and by the law and by my own conscience to the fullest extent that it is possible to do so.

Thank you all for being here. I appreciate your response, your presence, with the fulfillment of the good feeling that I have had throughout this year that so many people really believe that I should

be on the Superior Court.

I think there is a time in everyone's life when something seems to be right. It seemed to me this was the year, this was the time, and that the Superior Court was the place I should be. And the public has fulfilled my desire to be here.

My desire is to be here, not for personal achievement or personal gain, but to fulfill to a greater extent the kind of life that I have lived for the past 30 years.

Thank you very much (resounding applause)

JUDGE SPAETH: As Bishop Maida in his invocation touched on the importance of guidance and love, so has our new colleague brought out really what a court does, and what we all feel ourselves as doing, as exploring the law, and trying to determine the many difficult situations that come before us just where justice lies. We are deeply appreciative of the opportunity to have Judge Tamilya with us as a fellow explorer.

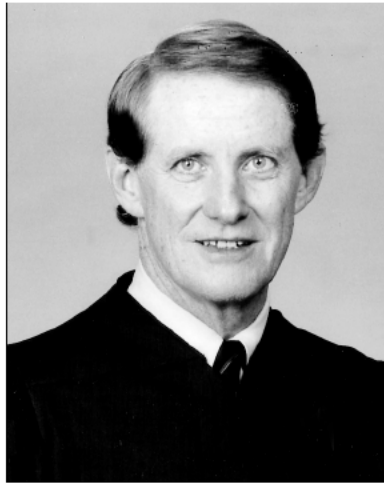
Now, before I ask you to stand and receive Bishop Maida's benediction, may I extend to you, on behalf of Judge Tamilya, an invitation to a reception immediately following this ceremony on the ninth floor of this building at the Allegheny County Bar Association. Bishop Maida.

BISHOP MAIDA: The Commonwealth is enriched today with the presence of Judge Tamilya on its Superior Court. In His providence, God has given Judge Tamilya many talents and gifts. In His providence through the electorate, God has called Judge Tamilya to serve the cause of justice in our community.

We ask God's blessing on Judge Tamilya, on this Court, and on the citizenry of this state. May all of us know God's peace, love, mercy, and justice in our hearts.

We ask this in the name of the Lord, Amen.

(Whereupon Court was adjourned).

THE HONORABLE JOHN T.J. KELLY JUNIOR

*December 29, 1930 –
Assumed Office: January 8, 1986
County: Philadelphia*

INVESTITURE CEREMONY

January 8, 1986
Old Federal Courthouse
9th and Chestnut Streets
Philadelphia, Pennsylvania
5:00 p.m.

PROCEEDINGS

BROTHER ARTHUR BANGS: O Lord of peace and justice, of joy and happiness, we acknowledge Your presence today within us and among us, and in that acknowledgement may we ask for Your blessings on the coming year. We implore also Your very special regard for our honoree, John Kelly, his family and friends, and his many colleagues in the law profession gathered here today.

O Lord of Solomon, of Paul, and of John the Baptist de La Salle, we entreat Your assistance in keeping us aware of Your presence

so that John, and indeed, all of us, may seek to touch all people only with the delicacy of respect, of understanding, of wise and informed decision-making, and of patience.

Finally, bless this food and drink that come from Your goodness. May we enjoy it as we renew old friendships and make new ones. Amen.

(Pledge of allegiance)

HONORABLE VINCENT A. CIRILLO: Thank you, Brother Arthur.

Good afternoon. I'm very happy to preside at this special session of the Superior Court to induct into office our new colleague, John T.J. Kelly, Jr., who is an old friend of mine. I've known John since he came to the bar in 1961. I've seen him grow. The fact that all of you are here in this crowded courtroom today is a tribute to our colleague's friendship, congeniality, and his good political know-how. This is truly a significant and proud day not only for John Kelly, but for his fine family and his many friends who are present.

The members of this court welcome you to this special session. I would like to introduce my colleagues on the bench of the Superior Court. To my right is Former Chief Justice Samuel J. Roberts, Former President Judge William F. Cercone, Judge Zoran Popovich, Judge Frank J. Montemuro, Judge Peter Paul Olszewski, Judge Donald E. Wieand, Judge John G. Brosky; and on my left is Judge John P. Hester, Judge J. Sydney Hoffman, Judge Justin M. Johnson, Judge Phyllis W. Beck, Judge Joseph A. Del Sole, Judge James E. Rowley, Judge Richard B. Wickersham.

My colleague on my right will have a special occasion here today and we'll introduce him a little later.

We have members of the Commonwealth Court present. We have Judge Theodore O. Rogers, Judge Joseph T. Doyle, Judge James Gardner Colins, Judge Jacob Kalish.

Members of the Common Pleas Court also are present. We have Judge Charles A. Lord, Judge Paul Ribner. Let me look around the room. I knew I would get into this situation. I notice our esteemed colleague of the Superior Court, Former President Judge Edmund B. Spaeth, Junior. Would you stand up, Ned? Donald Jamieson was here a few moments ago and he was probably called on

to something else. No; here is Donald.

A very special friend of John Kelly is here, and counselor to the Republican party, William Meehan. And I see the auditor-general of Pennsylvania here, Budd Dwyer. He is the Treasurer; excuse me. One day he is going to aspire to the office of the auditor-general.

I would like to call upon Mrs. Barbara Brown, a personal friend of John Kelly as well as secretary to Governor Dick Thornburgh.

BARBARA BROWN: Thank you.

John, it's a pleasure to be here with your family and your many friends to bring our special congratulations and greetings, but I would also like to read a very special letter to you from the Governor:

"Congratulations as you are installed as a judge of the Superior Court of Pennsylvania. The law is central to our society in ensuring that it is fairly and formally applied to all citizens as the cornerstone of our democracy. I have been pleased to know you over the years. I am confident that you will meet the challenges that lie ahead with determination and integrity. Ginnie joins me in extending our personal best wishes for a rewarding and productive tenure on the bench."

Signed, "Dick Thornburgh."

JUDGE CIRILLO: We now call upon Superior Court Judge Stephen McEwen for remarks and the presentation of the Commission.

HONORABLE STEPHEN J. McEWEN, Jr.: My colleagues, while the amenities that precede a joyful presentation frequently fail to provide that sincerity its due, may I offer assurance, with the utmost sincerity, that I am deeply honored to have been selected by my dear friend John T. J. Kelly, to present him for the oath of judicial robe, to my esteemed colleagues, the Superior Court of Pennsylvania.

It has been my good fortune to have known John for what will be, this April, 35 years, and I have enjoyed his friendship during all of the days of those years. Present here today joining John's family as a part of this happy assembly are: respected leaders of the great political parties from throughout the state, John's associates and colleagues in service to our great Commonwealth, and our distinguished Governor Dick Thornburgh, and, as well, a number of cherished friends who, like Judge Cavanaugh, and myself, have spanned the decades with

John through La Salle High School, through La Salle University, and the finishing touches by the Jesuit fathers at the law school of Creighton University. Those friends include Dick Graupner, Squat McNutt, Flash Flannigan, Eddie “McSkonk” Whelan, Sex Nolan, Gene McLaughlin, Leo Reilly, Vince Dougherty, and I could indeed go on.

As we all know, the American flag and the Commonwealth flag adorn this courtroom, and the flag of your Commonwealth includes in its emblem three characteristics: virtue, liberty and independence. John holds dear each of those characteristics and a further code of conduct; loyalty, service and devotion. And he has during the 25 years since his admission to the bar served those goals superbly, first, as a preceptee of the venerable, esteemed lawyer and community leader, William A. Meehan; during his association with that skilled lawyer and brilliant philosopher of American Government, Dominic P. Toscani; also, as assistant Attorney General for the beloved Governor Bill Scranton, Sr.; as executive assistant and chief counselor to the Lieutenant Governor, Raymond Broderick; as a trial lawyer with the Defender Association of Philadelphia for six-and-a-half years; as a private practitioner in the civil law; and, most recently, as deputy secretary and counsel to the Department of Labor and Industry in the administration of Governor Thornburgh and Lieutenant Governor William Scranton, Jr.

During each of those years and during each tenure he sought and served splendidly the goal of the profession of the law in pursuit of justice. His dedication to the law has been absolute and complete. In a profession which requires judgment by peers, he is, in a way, without peers. John exemplifies the hammered, the tried, the true product of our American political arena, a system that has produced our greatest leaders. He is a man who spurns the tinsel of media attention and the glitter of their headlines and other similar self-gratification, since such pursuits are really quite deceptive and only serve to substitute posture for performance.

He is truly a man of integrity, steadfastness and wisdom. I admire him for his fine intellect. Especially I salute him as a gentle and pure spirit. Tolerant, even fair almost to a fault, and understanding, he never allows the stress of the moment to turn him

away from a disciplined and informed sense of what is right.

Consider the adage: Be good, sweet May was told, and let who will be clever. It sounded like a sad, inevitable trade-off, but John unites the character of which the maid might well model herself with an intellect that includes and transcends cleverness.

And, of course, he has been fervently loyal to the family he loves so dearly and who cherish him so deeply for ideals that most only hear and only some seek, and so very few obtain.

As a practicing lawyer and a high government official, the Commonwealth of Pennsylvania has been blessed to have had John for all these past 25 years, and for yet, we pray Heaven, for many more.

Dear Colleagues, I present to you for membership upon our court, John T. J. Kelly.

I will now read the Commission.

“John T. J. Kelly, Jr., of the County of Dauphin, in the Commonwealth of Pennsylvania, greetings:

“Whereas, it appears by the certificates and returns made according to law, of the election held on the Tuesday next following the first Monday of November, Anno Domini, One Thousand Nine Hundred and Eighty-five, and now on file in the Office of the Secretary of the Commonwealth, that you have been duly elected a Judge of the Superior Court of Pennsylvania:

“Therefore, Know Ye, that in conformity to the provision of the Constitution and Laws of the said Commonwealth in such case made and provided, I do by these present Commission you, John T. J. Kelly, Jr., to be a

JUDGE OF THE SUPERIOR COURT of the Commonwealth of Pennsylvania, first priority of Commission.

“To have and to hold the said office, together with all the rights, powers, and emoluments, thereunto belonging or by law in anywise appertaining, for the term of Ten Years, to be computed from the first Monday of January, Anno Domini, One Thousand nine Hundred and Eighty-six, if you shall so long behave yourself well.”

“Given: Under my hand and the Great Seal of the State, at the City of Harrisburg, this nineteenth day of December, in the year of our Lord One Thousand Nine Hundred and Eighty-five, and of the Commonwealth, the Two Hundred and Tenth.”

“Dick Thornburgh, Governor.”

JUDGE CIRILLO: Thank you, Judge McEwen.

The oath of office will be administered by Judge James R. Cavanaugh, and before the office is administered, he will make some remarks.

HONORABLE JAMES R. CAVANAUGH: Thank you.

John T. J. Kelly, Jr., or as you have been professionally known by your friends over the years, John T. J. Kelly, Jr., as I reflect on the varied experience you bring to this court, it is as the citizenry has struck a motherlode of learned wisdom to assist the important works of this venerable court.

You have achieved academic superiority studying under the Christian Brothers at La Salle University and under the Jesuits of Creighton Law School in Omaha, Nebraska. You spent over six years as a public defender representing indigent defendants in the courts of Philadelphia County, a quality I might say rarely found, or an experience rarely found in members of the judiciary, particularly the appellate judiciary.

You have served in an executive capacity in numerous local, statewide, and national elections, including your own candidacy for the appellate court and a brief candidacy for another appellate court. You spent years in private civil practice. You have spent years in the executive branch of government playing important roles in the Department of Public Welfare and in the Department of Labor and Industry. You have unique experience because you served the Commonwealth in an important role as assistant to the President of the Constitutional Convention almost two decades ago.

And, therefore, I am struck by the rich variety of your experiences in your 55 years of life and how it will serve you on this bench. I recall the oft repeated statement of Oliver Wendell Holmes, Jr., about the common law: “to court its life has not been logic but rather experience” or “the felt necessity of the time,” and that is why Cardozo at the outset of his treatise on *The Nature of the Judicial Process* concluded that judges, though they may decide thousands of cases, most often find it impossible to precisely explain the process used in reaching a decision.

In addition to this, you bring to this Court the benefits of years

of residence in Central Pennsylvania and familiarity with its problems as well as its traditions. You bring to this court boundless energy. A hallmark of your career has been total devotion to the task at hand regardless of the hour or day or the personal sacrifice required.

You have today the warmth and admiration and good wishes of thousands of Pennsylvanians whose lives you have touched. That is why when in a moment you take an oath of office to discharge the duties of your office with fidelity, that we know it will be fidelity not only to the Constitution and the laws of this Commonwealth, it also will be a fidelity to the cases and problems, the rights, the traditions and the fondest hopes of all the people of Pennsylvania one which is in the very title of our State, that is, the Commonwealth.

John, if you will stand, we will now administer the oath to you.
(Administration of oath)

JUDGE CAVANAUGH: Brothers and sisters of John T. J. Kelly, Jr., proceed to invest him with the robes of office.

(Investing of robe)

HONORABLE JOHN T. J. KELLY: You are all in serious trouble, especially my family.

President Judge, colleagues, my dear old friends, my social friends, my skiing friends, my political friends, guests: I just want to thank you for coming here and honoring not only me but my family, because it's their day also because of their special effort throughout the last few years to help me achieve this honor of sitting on the court, and especially the Superior Court of Pennsylvania.

It's very easy to come up here and say I deserve it because I worked for 25 years, but that's not really true. I think we all started from the same background. My grandfather came over in the boat like many grandfathers in this country, Michael Patrick Kelly, and he went to Central Pennsylvania. He was a Central Pennsylvania person. He went to Pennsylvania, a railroad center and, as any good Irishman, he worked hard and came to Philadelphia and became what we call a cobblestone paver; and he met up, I think, with Bill Meehan's grandfather who was also a paver. We have a history of working hard. My father was one of 12 children. My mother, when he married my mother, they had a smaller family; they had 13. And he worked hard all his life. He was a smart man. He had to go out

in the third grade to help support his brothers and sisters, and he raised the family.

I would like to introduce my family and my children. The President Judge just said he hopes I am not going to introduce them individually.

I would like to introduce my sister Rosemary and Gerry Dawson. Stand up, Gerry. My sister Eileen and Gene Weinert. My sister Leonora and Marty Reigart. My brother Phillip.

Now, my children's names. Let's see. Dawson, stand up. My children. What is the next group? Weinert. And my children, let's see, who is next? Kelly. And the Reigarts are here. And that is my immediate family, and I'm sure many of you know them. You saw them putting up signs and passing out literature throughout the Commonwealth.

But I just want to also mention yesterday when we had a private ceremony, my 92-year-old mother was able to come downstairs, and my brothers and sisters were there, and I had a private ceremony where I was sworn in, and it was very touching to have all of us in the immediate family and because of my mother's age and honor that I have for her to attend.

As I said before, I am a graduate of La Salle High School and La Salle College. And, Brother, I thank you for being here. And also I gave the Jesuits a shot: I went to Creighton University. And I don't know if it did me any harm. I'll find out soon. However, I am appreciative of that education because basically that is what my father and mother worked for, to make sure all their children had educations, college, and also higher degrees.

As was stated before, I do have a couple of professions. One is, and most importantly, the profession of being a lawyer, and as a private lawyer, that lasted a few weeks, but as a public defender I was able to practice criminal law in the Philadelphia area for nearly seven years. I have also had the experience in government and hope that that common sense approach to government will be able to help me and help the members of the Superior Court.

And, again, I hope that my political experience in the past 25 years will be able to bring to this court the ability to listen to problems which I did in my other profession and also willingness to support

causes that deserve it.

Now, I will enter my fourth profession and most important profession of my life, and I am happy to sit with such distinguished gentlemen and such distinguished ladies as Judge Beck, and I look upon you as my friends to give me that understanding in approaching the law. And basically that understanding is that I hope to bring to the law the many fine qualities that you have as my friends. I want to bring that to the law because while you are my friends and colleagues, I recognize those fine qualities and I hope to have them here on the bench and especially to make sure that all members of my family and each one of you are proud of me for taking this opportunity to become a member of the Superior Court of Pennsylvania.

In closing, I just want to mention that I could introduce at least a couple of hundred people here and I know I'll miss fifty. However, I do want to say one thing. I will be able to speak to you all personally and hope that you will attend my reception after this and I hope to see you in about fifteen to twenty minutes.

Thank you very much for coming.

JUDGE CIRILLO: Colleagues, Judge Kelly, briefly, upon his 25 years of experience as a politician, believe me, he did a lot of practicing. He was campaign coordinator for Judge Stephen McEwen when he ran for office; he was campaign coordinator for Judge Cavanaugh when he ran for office; but he was only practicing and you see the end product of all that practice.

We again call upon Brother Arthur Bangs to give us the Benediction.

BROTHER BANGS: O Heavenly Father, once again we acknowledge Your presence within us and among us. For the happiness of sharing in the joy of John Kelly and his family on this occasion of his swearing in, we thank You. For the companionships that have enhanced the joy of this festive occasion, we thank You. Help us all to derive inspiration from this celebration and to practice in some way the daily celebration of gratitude for all the good things and blessings of the past year.

O Lord of Thanksgiving, give us the grace to live as authentically compassionate people, people who hear and who refuse to take cover. Accordingly, keep us aware of Your work, because it is

only in Your spirit that Your kingdom will come when everyone will be able to realize that there is indeed reason for thanksgiving. Amen.

(Adjournment)

THE HONORABLE JAMES R. MELINSON



*September 6, 1939–
Assumed Office: February 10, 1988
County: Philadelphia*

INVESTITURE CEREMONY

COURT CRIER: All rise.

The Honorable Judges of the Superior Court of Pennsylvania.
Oyez, Oyez, Oyez.

All manners of persons who stand bound by recognizance or otherwise having to do before the Judges of the Superior Court of Pennsylvania here holding may now appear and they shall be heard.

The Honorable Vincent A. Cirillo, President Judge of the Superior Court presiding.

May God save the Commonwealth and this Honorable Court.
You may be seated.

JUDGE CIRILLO: I hate to do this to you. Would you please rise for the Pledge of Allegiance to the Flag and remain standing for the invocation?

ALL PRESENT: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

JUDGE CIRILLO: You may be seated.

Father Joseph P. Garvin, Assistant Director of Catholic Social Services of the Archdiocese of Philadelphia and a dear friend of the Melinson Family will do the invocation.

FATHER GARVIN: Let us pray.

God, our Father, before the Kings of Israel were anointed to rule your people of old, you chose judges to make your caring presence known to your people. You took them from among the people and endowed them with a spirit of wisdom and understanding so that they might serve your people with justice and fairness.

Hear the prayers we make today for our friend Judge James R. Melinson. Renew in him a spirit of dedication to your people and to your law. May all who become subject to his decisions experience in a clear way the integrity of our legal system. Bless him and his family and those close to him. Make him an outstanding judge and give him success, health and happiness, for you are a good and gracious God who lives and reigns forever and ever. Amen.

JUDGE CIRILLO: You may be seated now.

Justice McDermott, Judge Becker, Judge Cavanaugh, Judge Melinson, his family, my colleagues on the Superior Court, other distinguished judges in the audience, and friends of Judge Melinson, I welcome you to the special session of the Superior Court wherein we are gathered here today to swear in as a member of the Superior Court Judge Melinson so he can join the ranks of a court I consider one of the finest courts in the United States.

Present with us today is Justice McDermott. We're honored by his presence.

Also present today are members of the Superior Court: Judge James R. Cavanaugh, Judge John G. Brosky, Judge Donald E. Wieand, Judge Steven J. McEwen, Jr., Judge Joseph A. Del Sole, Judge Phyllis W. Beck, Judge Justin Johnson. And the other judges who aren't present from my court, especially Judge Olszewski and the judges from Pittsburgh, could not be here today because they were caught in an ice storm. While we had this rain, they were having sleet and snow in Western Pennsylvania and Northern Pennsylvania. But they called me and told me they wished they could have been here.

Also with us is Judge Becker, seated to my right, of the United

States Circuit Court of Appeals for the Third Circuit.

Judge Cavanaugh?

JUDGE CAVANAUGH: Thank you. I join President Judge Cirillo in welcoming Jim Melinson to the Superior Court of Pennsylvania, and I do so, particularly, as a Philadelphian because in the history of our court since 1895 there have been relatively few members of the court from Philadelphia, and Jim Melinson joins those ranks today. Just since 1926 there was a Judge Jesse Cunningham, but more recently, within the memory of many of us here today, the great Judge Gerald F. Flood, our present and dear Judge J. Sydney Hoffman, Judge Theodore Spalding who, I believe, was the first black appellate judge in Pennsylvania. Judge Spaeth who was our President Judge and a member of our court for many years, and Judge Frank Montemuro who couldn't be here today, but is a member of our court at the present time.

We have an enormous number of people here in the courtroom. I think that's a special tribute to Jim, recognizing not only his extraordinary background in law, but also education, government and labor relations. And all of that great experience he will bring to the very problems which we face on our court. There is just an outpouring of community support the likes of which I do not recall seeing, Jim, here in this courtroom today.

We will be essentially recording this for you with the court reporter present so that it will be a memorial to you and to the court and to your friends on this great occasion.

I first introduce President Judge Edward J. Bradley who will mention some of the Common Pleas Judges of Philadelphia who are present.

Judge Bradley?

PRESIDENT JUDGE BRADLEY: President Judge Cirillo and the judges of the Superior Court, Justice McDermott, Judge Becker, I am delighted and privileged to extend my congratulations to Judge Melinson and to welcome him to the judiciary of the State of Pennsylvania, and particularly, as a Philadelphian on the Superior Court. And I do so on behalf of all of my colleagues of the Court of Common Pleas, many of whom are present in this very crowded courtroom, and I would attempt for the record to note the presence of

those judges of our court that I have been able to spot in the courtroom.

I'm pleased to do this so that it will be preserved as part of the permanent record of the occasion, and reflect the very great respect and admiration that so many people and, particularly, the judges of our court have for you and the good wishes that they feel toward you at this particular time. And I'm pleased to recognize there in the courtroom the following members of our bench of the Court of Common Pleas: Judge Edward Blake, the Administrative Judge of the Trial Division, Judge Joseph O'Keefe, Judge Nicholas D'Alessandro, Judge Lawrence Prattis, Judge Charles Lord, Judge Alfred DiBona, Judge Bernard Avellino, Judge Eugene Maier, Judge I. Raymond Kremer, Judge Berel Caesar, Judge John Poserina, and Judge Tama Myers Clark.

Now, those are the ones that I either spotted before this session began or that I have since seen. I hope that I have not missed anyone. If I do so, it's inadvertent.

But, again, Judge Melinson, congratulations, best wishes and I know the best wishes and congratulations of all of my colleagues go with that.

JUDGE CAVANAUGH: Thank you, Judge Bradley.

Recognizing Judge Melinson on behalf of the Municipal Court of Philadelphia, the Honorable Alan K. Silberstein, President Judge of the Municipal Court.

JUDGE SILBERSTEIN: Judge Becker, Justice McDermott, President Judge Cirillo, honored members of the judiciary on the podium, honored members of the judiciary and other honored guests, I met Judge Melinson when we were both on the campaign trail recently, and—he's shaking his head yes—and was impressed with his ability and everyone that met him was very fond of him. I am, indeed, pleased that he's been appointed to the Superior Court.

The Municipal Court is not as large a court as the Common Pleas Court, but I was able to spot two of our judges in Municipal Court, and with just having glasses on order, I may have missed some in the back of the room, but on behalf of the Municipal Court, I wanted to congratulate Judge Melinson and recognize here from the Philadelphia Municipal Court, Judge Harvey Robbins, Judge William King. And on behalf of myself and the entire Municipal

Court, we wish you much success and happiness in your future endeavors on the court.

Good luck to you.

JUDGE CAVANAUGH: The next name on the program is a Peter J. Liacouras. I believe he is a graduate of Drexel University, and I know he is a graduate of the University of Pennsylvania Law School. Other than that, I don't know much about what he's been doing, but a dear, dear friend of Jim Melinson, the number one man and the number one fan of that great university on North Broad Street, Temple University President Peter J. Liacouras.

(Applause)

PRESIDENT LIACOURAS: May it please the Court, if I may, thank my classmate from Stanford—I mean Pittsburgh—I mean—I'm not sure what law school that was you went to, Jim, but everybody is entitled to a mistake once in a while.

It is a great pleasure for me to be before you and to say a few words about James R. Melinson, a person of true merit, for induction as judge of the Superior Court. I have known Jim Melinson for some 20 years. In the mid-1960's, he was my student at Temple Law School. He was then as he is today, an achiever: Honest, hard-working, perseverant, intelligent, self-effacing, practical, and highly skilled as a negotiator and lawyer. But he is also a man of warmth, openness, humaneness, and a sense of humor, qualities equally important for the bench. He has exhibited these qualities throughout this life.

As a teenager he worked his way through school. He had a full academic scholarship to LaSalle College High School, but while others played, he had to help his family make ends meet. He worked at the Penn Fruit Company, sweeping and mopping the floors, unloading produce from the trucks, cleaning fish, waiting on customers, anything. Jim graduated from high school with honors.

At LaSalle University, he followed the same pattern. He continued to work virtually full-time at Penn Fruit six years, counting high school and college. He studied diligently and graduated with honors in 1961.

Jim Melinson then served in the army as a lieutenant, a small unit commander in artillery, and following his honorable discharge,

he began his first professional career in 1963 teaching English at Olney High School.

At Olney, Jim was a teacher, disciplinarian, father confessor and, eventually, vice principal to some 4,000 students of every conceivable background. And in those days, it was awfully tough. It was during his years at Olney that I first met Jim Melinson. I was then a fairly young law professor at Temple, teaching both day and evening classes. Night students at Temple Law School, as they are at other schools with evening divisions, are legendary for their motivation, their keen minds, perseverance and career-oriented approach to the study of law. But even among all those super-achievers, Jim Melinson stood out. Here was a young parent in his mid-twenties, an army veteran, the recipient of the prestigious Temple University Law Faculty Scholarship, who attended the evening division for four years so he could work full-time during the day to support his family while studying law evenings and on weekends.

So, once again, Jim had worked his way through school and, again, he managed to distinguish himself in the process. He was president of his class twice. He was also chief justice of the Temple Moot Court. He was meticulous in his preparation for class. Even in what appeared to be casual conversations with his professors, he was self confident, he was straightforward, honest, articulate, and pragmatic. He blended theory and practice with uncommon facility for a law student.

In hours and hours of conversation between us, what impressed me about Jim Melinson as a young law student was not only that he was a very good scholar, but that he knew about the world around him. He was mature beyond his years. He was curious enough to read voraciously, and clear-headed enough to measure the ideas he encountered against his own firsthand experiences.

Over the decades, faculty members encounter thousands of students. We form expectations about how they will do later in life. I thought Jim would become an excellent lawyer. He had the intelligence and the legal skills. He had the ambition, the energy and the drive. He also had decency, a sense of fairness, and understanding of the little person, qualities that often differentiate one from just

being another lawyer to one who is the lawyer and the jurist that the common folk can rely on.

It was obvious even then that Jim was a consummate negotiator and settler of disputes. I could give you many examples of how he worked his way out of situations that—legitimately—(*general laughter*)—and made us feel that he was doing us a favor.

His leadership is thus writ large in his demeanor, in his formative years, and in his actions.

Following law school he entered his second career, the general practice of law. It is thus no surprise—it was thus no surprise and is no surprise that he has practiced with distinction with the firm of Meehan and Stoelker. While practicing law, Jim again found the time and energy to broaden himself even further. He returned to Temple to earn a Master of Education Administration degree in 1973.

Then for some nine years, from 1976 through 1985, he was the Chief Labor Negotiator for the School District of Philadelphia. There he hammered out very specific agreements under the most difficult conditions, never losing sight of the big picture or his sense of humor. He was respected by all sides because he knew their feelings and he had their trust. Jim Melinson is one of the few lawyers with a labor management practice who has represented both employees and the employers. Never, of course, at the same time.

Just as he was a leader in law school, Jim demonstrated his commitment to the public good. In 1981, he served as a special representative of the Chancellor of the Bar Association of Philadelphia, traveling to Atlanta to render assistance during the time of the murders of black children in that city.

He currently serves on the Board of Counseling or Referral Assistance, CORA, an agency that helps 20,000 Philadelphian families annually to deal with learning problems, drug and alcohol abuse, speech and hearing problems and other challenges of our day.

Jim Melinson has been involved, in the best sense of the term, in the political arena. For more than 20 years, he has worked for and with William A. Meehan, Esquire, fellow lawyer and long-time leader of one of our political parties. In 1975, Jim sought a seat on City Council.

So, as James Melinson comes before us today, he comes as a

person of true merit, of quality, with a history of achievement. He brings intelligence, legal skill and a breadth of experience in law, education, labor relations, public life, and life generally, and he brings with him humility. He brings a temperament that is both judicial and judicious. He is firm, articulate, conscientious, honest, and well prepared for this new career. He is reflective, yet he's very practical. He's the kind of a person you want on your side in a fight. He is unbiased, yet committed to social justice.

As he embarks, therefore, on his third career, James Melinson brings to the bench a feeling for the common folk whose affairs will come before him. He is of them and will be for them. His tenure will be marked by his own experience of the American dream. It is the people's good fortune that the Governor's Appellate Court Nominating Commission, chaired by James Mundy, Esquire, has also recognized this man of outstanding ability and character by recommending him for judge of the Superior Court of Pennsylvania.

It is a personal pleasure to be present with all of you and, in particular, with the family and friends of James R. Melinson as he is inducted to the Supreme—the Superior Court—one step at a time, Jim.

(Laughter)

A former student who made good, we wish him well.

(Applause)

JUDGE CAVANAUGH: Among the many public officials, former public officials and community leaders I see in the courtroom are John F. Kane, long-time City Commissioner, the Honorable John Patrick Walsh, a former distinguished President Judge of the Magistrates Courts of Philadelphia, Joe Zazcyny, Secretary of the Administration, the Honorable Senator Vincent J. Fumo.

We have a note from Senator Hank Salvatore, a dear friend of the Melinson family, that he is unable to attend. I suppose there are some problems up at Liberty City today. (general laughter) But Hank sends his best.

The Honorable Dennis O'Brien in the back of the courtroom, George Kenney, John Perzel, Chris Wogan, Jim Binns, who was, up to the very recent past, Chairman of the State Athletic Commission.

I see Henry B. Fitzpatrick, active in governmental affairs in

Montgomery County. All in the courtroom at the present time, among others.

We will now hear from the Honorable Edward J. Becker of the United States Court of Appeals for the Third Circuit.

Judge Becker?

JUDGE BECKER: Thank you, Judge Cavanaugh.

It is a privilege for me to sit on the bench of the Pennsylvania Superior Court. As a judge of the United States Court of Appeals for the Third Circuit, I have frequent occasion on federal diversity cases under the *Erie* Doctrine to try to determine what Pennsylvania law is all about. Now, that's not always easy, I want you to know, but in the course of that enterprise my colleagues and I have frequent occasion to refer to the work of the Pennsylvania Superior Court.

Now, I can tell you that, to a judge, we have great respect for the Pennsylvania Superior Court for the quality of its work, the care, the scholarship of its opinions. We believe that the Pennsylvania Superior Court is one of the finest appellate courts in the land, and I think that the luster of that court is increased by the addition of Jim Melinson.

I've known Jim Melinson for many years. I've known him as a friend, as a fine human being. I've know him as a lawyer when I was a judge of the District Court and Jim was representing the School Board. He appeared before me, and I can tell you he's a first-rate lawyer. In fact, when appellate judges get together—and I speak to Judge Melinson's new colleagues as a fellow appellate judge—they have to be concerned about the quality of a new addition to the court because all of us know that if you have a weak link on a panel, that's more work for everybody. That's real trouble, and I can assure you, Judge Melinson's new colleagues, that your new colleague is a man who possesses a keen intellect, a capacity for hard work, a high degree of decency and integrity, and a winning personality. He will be a delightful colleague.

There's one other facet of his personality that's already been mentioned, but I'll mention it again. He is a practical guy, and it's important that a judge be practical, and I think that the practicality is a function of his experience in politics. I have found that people with experience in politics made good judges, make the best judges,

because they have knowledge of human nature, knowledge of human frailty, and a knowledge of government and how it really works.

I think that Jim Melinson will be a great asset to this court. I congratulate the Governor on his sagacity in appointing him, and I congratulate the judges of the Superior Court on having this wonderful new addition in their midst.

And I congratulate Jim Melinson and his family. I wish you Godspeed.

(Applause)

JUDGE CAVANAUGH: Also from the federal bench present in the courtroom is the Honorable Joseph McGlynn, United States District Court for the Eastern District of Pennsylvania and, of course, we're pleased to have present Thacher Longstreth, a member of City Council.

Everybody has some special friends that in his time and place are those who bear a special relationship to him and her in their lifetime. And those people comprise Jim Melinson's guard of honor today, and I'm going to list the names of these people: That's Brother Anthony Wallace of LaSalle University, William Austin Meehan, Esquire, Charles V. Stoelker, Esquire, Charles E. O'Connor, Esquire, and Albert Hoffman, Esquire. George Costello, Executive Director of the Irish Society, the Honorable Edward G. Feehan, Regional Director of the Bureau of Mediation of the Commonwealth of Pennsylvania (retired), the Honorable Bob Brady, Chairman of the Philadelphia Democratic County Executive Committee, the Honorable Norman Loudenslager, who is also a member of that Committee, the Honorable D. Donald Jamieson, a former President Judge of the Common Pleas Court, and Chairman of the Philadelphia Republican City Committee, and the Honorable Joseph Duda, Executive Director of Republican City Committee.

There are a number of people present from Jim's career as an educator, including, I see Dr. Michael P. Marcase, Superintendent *Emeritus* of the School District of Philadelphia.

I see in the back of the courtroom, and I'm going to ask him to come up—if my eyesight is good—John Elliott. Is John Elliott back there? Come on up, John.

While he's coming up here, we have word that Chief Justice

Nix, because of a previous engagement, could not be present here today.

John, you have never been at a loss for words before. Would you step up and say a few words on behalf of Jim Melinson?

MR. ELLIOTT: I think it's a distinct pleasure to be here when Jim Melinson has the opportunity to extend himself in his considerable talents along lines of greater expression. Jim Melinson's talents and his capacity and his compassion have distinguished him as a member of the bar.

I had the distinct privilege of working with Jim Melinson over the years as a lawyer. I served as the chairman of Jim Melinson's election campaign in the fall of 1987. I know how deeply confident in Judge Melinson that Governor Casey is, and it's a confidence that is born of shared values and the extension of those values at the very highest levels of government.

Today, more than ever, the judiciary is an institution that bears tremendous burdens. Judicial victories, indeed, are taken for granted, and have the literal thousand parents and judicial defeats are orphans and are visited very sharply and harshly upon the men and women who, on a day-to-day basis are the lubricants of civility.

I think Jim Melinson is a fine exemplar of the pluralistic virtues that reside in Philadelphia County and in the Commonwealth of Pennsylvania as we approach the 21st century. The Commonwealth of Pennsylvania is challenged with many escalating crises. I think the crisis of leadership at all levels of society, public and private, is foremost in everyone's mind, and today, as so many members of the judiciary and people who have known Jim Melinson and worked with him have felt and articulated today, we indeed have an outstanding steward for the public interest in Jim Melinson, and I am delighted to share this day with Jim and his family.

Thank you, your Honor.

JUDGE CAVANAUGH: Thank you, Mr. Elliott.

There are a number of labor leaders, people from the Bar Association and other committees around town, including Laurance Baccini, the Chancellor of the Philadelphia Bar Association present.

One very special group in today's audience are some boyhood friends of Jim Melinson that he grew up with in the Juniata section

of Philadelphia. Anybody familiar with Catholic tradition in Philadelphia knows that you never refer to a neighborhood; you refer to a parish. And these guys and, I guess, some gals, grew up in Holy Innocents Parish and, although that probably does not fully describe them in those days, in the '30s and '40s, Jim, I know, you are especially pleased to have them with you today.

There are members of the Christian Brothers Community here. They have played a large role in Jim's life at LaSalle High School, LaSalle University, and have played a large role in the lives of all of us in their great contribution to the care for youth and the education of youth and collegiate students in the Delaware Valley.

Members of the Irish Society are here, the Emerald Society, and business leaders, too many to bear mentioning.

But, really, most importantly, I have on my left, sitting in and about the jury box, members of the Melinson family, and I will introduce them individually and ask them to stand as I call them.

First of all, Jim's wife, Monica, who will celebrate with Jim their 25th anniversary on April 27, 1988. (*applause*) Their son, Gregg, a law student at Duke University School of Law. (*applause*) This will make General Brosky of our court happy. General Brosky is a retired United States Air Force General. Their son, Keith, a cadet at the United States Military Academy. (*applause*) And, of course, Megan, an honor student and varsity athlete at Mount St. Joseph Academy (*applause*) Jim's parents, Margaret and Stan Melinson (*applause*) His sisters, Mary Lou and Peggy. (*applause*) His brothers, Stan (and his wife, Mary), Dennis (and his wife Mary Ann). (*applause*) Monica's parents, Tom and Mildred Varrone (*applause*) And Monica's sister, Pat, and her husband, Tom Peters. (*applause*) And nephews and nieces too numerous to mention.

We will next call on our honored District Attorney, Ronald Castille, who will read the commission.

MR. CASTILLE: Your Honor, Justice McDermott, Judges of the United States District Court for the Eastern District of Pennsylvania, Judges of the United States Third Circuit Court of Appeals. President Judge Cirillo, members of the Superior Court, members of the Commonwealth Court, your Honor, Judge Bradley, members of our Common Pleas Court, Judge Silberstein and

members of the Municipal Court, it is my distinct pleasure to be here today to speak on behalf of Jimmy Melinson, a person who I also campaigned with and whom I have known for over 17 years as an attorney, and a person, I think, who will be an excellent addition to the Superior court of Pennsylvania.

As the largest county in the State of Pennsylvania, we give more than 800 briefs per year to the Superior Court, and we are fully aware of the excellence of the legal scholarship and the insightful opinions handed down by the Superior Court. I, myself, can think of few other persons who are more qualified to take this place on this important bench in the Commonwealth of Pennsylvania than James Melinson. We congratulate you on your commission. We congratulate the Governor on your selection, and we, in the District Attorney's Office and, I'm sure, all of the citizens of Pennsylvania, look forward to the excellence and scholarship and insight that we believe you will bring to this important court, protecting the rights of individuals and the rights of all the citizens of the Commonwealth.

I would like to take the time now to read to you a letter that we have received from James Crumlish, Jr., President Judge of the Commonwealth Court of Pennsylvania, who wished that he could be here, but because he is recovering from surgery could not be here. But he sends you his greetings. And the letter says, "The Superior Court has, since its installation, earned an enviable reputation for insightful legal scholarship as the Commonwealth's only intermediate appellate court until 1970 when the Commonwealth Court was invested.

"Legal issues of variety and enormous significance to the well-being of the citizens of this Commonwealth were enunciated and resolved by such eminent jurists as the Honorable Robert E. Woodside, Sr., J. Sydney Hoffman, Israel Packel, Edmund B. Spaeth, Jr., and Richard DiSalle.

"Judge Melinson will easily and gracefully assume the high responsibility which the commission demands of him. His legal scholarship and indefatigable work ethic"—(is that the way judges talk?)—"indefatigable work ethic, his keen pragmatic discernment which separates truth from fiction, right from wrong and evil from good, together with his extraordinarily predictable temperament will bring dignity, accuracy and impeccable judicial reasoning to the list of

accomplishments of this court.

“Having known Judge Melinson for more than a decade and having observed him as he advocated the interest of his clients, while maintaining a proportionate sense of fairness, pragmatism and idealism, I happily today predict a fulfillment of the accomplishments which will inure to the benefit of the citizens of this Commonwealth.

“For the members of his sister Court, I salute him and the Superior Court on this memorable occasion.”

May it please the Court, at this time I am proud to present to you for membership to the Superior Court of Pennsylvania, the Honorable James R. Melinson, and I will read his commission at this time.

Your Honor, if you would please rise. (The inductee rises)

From the Governor’s Office of the Commonwealth of Pennsylvania, James R. Melinson, in the County of Philadelphia in the Commonwealth of Pennsylvania.

“Greetings. Whereas a vacancy has occurred in the office of judge of the Superior Court by reason of the resignation of the Honorable Richard B. Wickersham, therefore, know ye, that reposing a special trust and confidence in your prudence, integrity and ability, and under authority of the Constitution and the laws of the Commonwealth in such case made and provided, I have nominated, and by and with the advice and consent of two-thirds of all the members of the Senate, have appointed and do, by these presents, commission you to be Judge of the Superior Court of Pennsylvania.

Signed this date by Robert P. Casey, Governor; James J. Haggerty, Secretary of the Commonwealth.

Congratulations, your Honor.

(Applause)

JUDGE CIRILLO: Senior Judge *Emeritus* J. Sydney Hoffman on behalf of the Superior Court accepts your presentation of Judge Melinson.

(Applause)

And, finally, and really, most importantly, because he is the gentleman who is the most significant governmental representative present today in our lives as Philadelphians, and I would ask him to stand, Council President, Joseph Coleman.

(Applause)

JUDGE CAVANAUGH: Justice James T. McDermott, Justice of the Supreme Court of Pennsylvania will say a few remarks and thereafter, he will administer the oath to our colleague, a new member of the Superior Court.

Justice James T. McDermott.

JUSTICE McDERMOTT: Thank you, President Judge Cirillo, Judge Cavanaugh, Judge Becker, distinguished members of the Superior Court.

Judge Cavanaugh, you indicated earlier that you didn't know where Peter Liacouras was associated these days. I take it that that's Peter Liacouras, the one who spoke to us here? Well then, who was that wild-eyed frenzied man I saw running up and down the forum of the palestra just because St. Joseph's College got a couple points ahead of Temple?

You think I'm going to forgive you; don't you?

I've had a lot of pleasures in my life, and coming to induction ceremonies is one of the great pleasures. I have been all over the state since I've been lucky enough to be where I am, and I have seen an awful lot of people sworn in to offices. And as Judge Becker said, politics is a very important thing in life, and in America we have a wonderful tradition that we elect from time to time, Republicans and Democrats. Sometimes I think there's a disproportionate number of others elected to office, but today, you know, Republicans and Democrats are elected to various positions or appointed, and the audiences I viewed around the state seem somehow wonderfully American to me. But looking here at all of these old friends—I think most of them are Republicans—I have a strange feeling that I came home at last.

(Laughter)

Judge Melinson, I'm delighted to have the single honor of administering the oath of office to you. And all that has been said I adopt for the record here about your qualifications. You're joining a very illustrious court in the Commonwealth of Pennsylvania, a court under President Judge Cirillo, and these distinguished members here that are doing a magnificent job. And if you think for a moment, in your happy moments here this afternoon, that that's all there is to it,

oh, my. There's so much to do.

I heard Peter Liacouras say about your background in life, and I know it very well because, in former times, we campaigned together, if I may say that. It's more than being an honorable man to be a judge and to take the best responsibility of appellate court judge or trial judge. It's more than being a learned man. It's knowing something about life and time. And if you have to clean fish and sweep floors in an Acme, I take those qualifications over some of the most learned men that I have ever met because that's what our lives are all about; having a family, having people who taught you come here. That's what our life is about, and that's what you're going to deal with, life on a level that even as a trial lawyer you had no idea about. I have every confidence that you will do that to the credit of everybody who loves you and believes in you today.

Now, if you and all of your friends will stand, I will administer the oath.

(everyone rises)

Would you raise your right hand and repeat after me, I James R. Melinson.

THE INDUCTEE: I, James R. Melinson—

JUSTICE McDERMOTT: -appointed-

THE INDUCTEE: -appointed-

JUSTICE McDERMOTT: -and commissioned-

THE INDUCTEE: -and commissioned-

JUSTICE McDERMOTT: -by the Governor-

THE INDUCTEE: -by the Governor-

JUSTICE McDERMOTT: -of the Commonwealth of Pennsylvania-

THE INDUCTEE: -of the Commonwealth of Pennsylvania-

JUSTICE McDERMOTT: -to be a judge-

THE INDUCTEE: -to be a judge-

JUSTICE McDERMOTT: -of the Superior Court-

THE INDUCTEE: -of the Superior Court-

JUSTICE McDERMOTT: -of the Commonwealth of Pennsylvania-

THE INDUCTEE: -of the Commonwealth of Pennsylvania-

JUSTICE McDERMOTT: -I do solemnly swear-

THE INDUCTEE: -I do solemnly swear-

JUSTICE McDERMOTT: -that I will uphold-

THE INDUCTEE: -that I will uphold-

JUSTICE McDERMOTT: -defend-

THE INDUCTEE: -defend-

JUSTICE McDERMOTT: -and obey-

THE INDUCTEE: -and obey-

JUSTICE McDERMOTT: -the Constitution-

THE INDUCTEE: -the Constitution-

JUSTICE McDERMOTT: -of the United States of America-

THE INDUCTEE: -of the United States of America-

JUSTICE McDERMOTT: -the Constitution of the Commonwealth of Pennsylvania,-

THE INDUCTEE: -the Constitution of the Commonwealth of Pennsylvania,-

JUSTICE McDERMOTT: -and that I will do so-

THE INDUCTEE: -and that I will do so-

JUSTICE McDERMOTT: -with all fidelity-

THE INDUCTEE: -with all fidelity-

JUSTICE McDERMOTT: -so help me God.

THE INDUCTEE: so help me God.

JUSTICE McDERMOTT: Sir, I congratulate you.

(General applause)

JUDGE CIRILLO: Will his wife, Monica, come forward? And sons, Gregg and Keith and daughter, Megan, to invest the robes of office on Judge James R. Melinson. (investiture of the robe takes place)

Ladies and gentlemen, will you all join me in welcoming Judge Melinson, a new member of the Superior Court of Pennsylvania.

(General applause)

JUDGE MELINSON I'll have you know these are not off-the-rack 38 short goods.

They're custom made, and I thank you.

My family, I know, went to a lot of trouble to do this.

Reverend clergy, good brothers and sisters, distinguished representatives of the judicial, executive and legislative branches of our government, political, professional, business and labor leaders,

family and friends, you honor my family and me by your presence here today in such overwhelming numbers.

Monica and I have raised three children in this Commonwealth of Pennsylvania. One of the things we have tried to teach them is respect for high public office. You can imagine how proud I am to stand before you today wearing this robe, the very symbol of high public service.

Speaking of public service, I'm sure it has not gone unnoticed that throughout this room are public officials from every walk of life. Many public figures were recognized, very remarkably, by President Judge Cirillo and Judge Cavanaugh. I would like, in my own way, to pay recognition to you public figures of the past and present who are here today: To committeepersons, ward leaders, party leaders, elected and appointed officials from every branch of government to the highest judicial officer here today; educators, past and present. These people have served under very difficult times as public figures. They are subject to unrelenting criticism which is often unjustified. Sometimes it seems as though they are being relegated to second class citizenship by engaging in public service and holding public office. I know them. I have worked with them, side by side. I have helped them in the performance of the duties of public office over the years. They deserve our thanks, and I'm asking you to join with me in applauding the public officials and public figures who are here today.

(General applause)

There is one public figure present who eschews the very notion of publicity, and that may seem paradoxical at first, but those of you who know him know how true that is. No one has done more for our community in terms of genuine unselfish work on behalf of his fellow human beings than this *magna cum laude* graduate of the University of Notre Dame, a politician in the highest sense of that term, William Austin Meehan.

(General applause)

Finally, I turn your attention to some private figures who are present today, two married couples who have already celebrated their golden wedding anniversaries. They were married during the Depression of the 1930's. They overcame great adversity and sacrificed so that their children and grandchildren could have a better

life. They and others like them are the true heroes of our time. Monica and I, together with our children, our brothers and sisters, and our extended family want to publicly thank our parents, Stan and Margaret Melinson, and Tom and Mildred Varrone for all they have done for us as I ascend the bench. Thank you. (Judge Melinson ascends the bench) (standing ovation)

My first words from the bench are to make this pledge to you. I promise that I shall never forget the oath of office I took here today, and I pledge to you that I shall always conduct myself in a manner befitting the title "Your Honor."

Thank you.

(General applause)

JUDGE CIRILLO: Seated in the audience and honoring our new member of the Superior Court is Councilwoman Ann Verna.

Ann, would you stand, please. (general applause) Seated next to her is City Commissioner Margaret Tartaglione. (general applause) Standing is City Council man Brian O'Neill. (general applause)

If we have missed anyone, believe me, it's difficult to pick you out in the audience here. We didn't know which of you could attend on this rainy day, but with this crowded courtroom I see it was very important for each and everyone of you to honor Judge Melinson, and we thank you for being here.

Another dear friend of the Melinson family will give the Benediction, former principal of LaSalle College High School, Director of Community Affairs for LaSalle University, Brother Andrew Bartley.

BROTHER ANDREW: Heavenly Father, as we joyfully conclude this celebration, we pause to thank You for the hope-giving changes in the seasons, our institutions, and in us.

Today with spring a fragile promise, our hearts rejoice in the gift of the present moment, so vibrant with commitment, so limitless in potential for good. We are grateful this day, Father, for the special warmth of friendship and for this opportunity You have given us as friends and family to honor Jim Melinson, a man whose talent, enthusiasm and goodness have enriched all our lives.

We thank You, Almighty God, that this truly honorable man has been deemed worthy of bearing a title signifying that honor and

of assuming a trust enabling him to extend his many gifts to others in service.

Help him, Father, and all of us to realize that concern for others is at the very heart of Your plan for us. Be with Jim and with us as we try to live that plan in our courtrooms and offices, and on our streets and in our homes.

Lord, continue to protect us from selfishness and also harm so that even when discouraged, we may strive to become more effective instruments of Your justice, Your peace, Your joy and love.

Amen.

JUDGE CIRILLO: All of you are cordially invited to attend a reception on the second floor of this building, room 202, the Mayor's Reception Room, and Room 201, Conversation Hall.

Judge Melinson and his family will remain at the bar of the Court at the conclusion of the ceremonies to greet each of you who cannot attend the reception. But those of you who go to the reception, he will greet you there. So, only those of you who cannot attend the reception, I ask you to come forward to honor our new admittee.

Court is now recessed.

COURT CRIER: There being no further business before the bar of this honorable Court, this court is adjourned.

THE HONORABLE KATE FORD ELLIOTT

*June 8, 1949 –
Assumed Office: December 28, 1989
President Judge 2006 –
County: Allegheny*

INDUCTION CEREMONY

3:00 o'clock P.M.
Thursday, December 28, 1989
Courtroom of the Supreme Court
Eighth Floor, City-County Building
Pittsburgh, Pennsylvania

PROCEEDINGS

PRESIDENT JUDGE CIRILLO: Good afternoon, ladies and gentlemen. We are gathered together here to induct as a Judge of the Superior Court Kate Ford Elliott, Judge-elect of the Pennsylvania Superior Court.

For the invocation we have the Reverend Joseph V. Kurutz, Pastor of St. Raphael's Church in Morningside.

REVEREND KURUTZ: The Lord be with you.

AUDIENCE: And also with you.

REVEREND KURUTZ: Let us pause to collect our thoughts and place ourselves before the Supreme Judge and Father of us all.

Heavenly Father, we give thanks to our Lord for the gifts and talents and blessings you have bestowed upon Kate Ford Elliott. We ask your continued blessings and that you make her worthy of the call to serve as Judge of the Superior Court. By your power enable her to maintain the integrity of the legal system and to fulfill her every honest intention. Keep her strong in body and mind and grant in all circumstances that peace which surpasses all understanding. May the advocate the spirit of truth promised by Christ your son be always with her. May the spirit fill you with wisdom in all your deliberations. God grant you faith enough to make real the things of God, hope enough to remove all anxious fears concerning the future, and love enough to be useful and helpful to others. These things we ask through Christ our Lord.

AUDIENCE: Amen.

PRESIDENT JUDGE CIRILLO: It is a proud day for the people of Pennsylvania and for the Superior Court of Pennsylvania that Kate Ford Elliott, the woman who served as a law clerk on this Court for years, served administratively as chief staff attorney for the Superior Court, served as administrator for President Judge William Cercone and a woman who went around the State of Pennsylvania, and obviously with her great personality, convinced the people of Pennsylvania that she should be on this Court, that she would lend her experience and her high I.Q. and work ethic to this Court.

Kate Ford Elliott got over one million votes running for the Superior Court in an off-year election; that is an astounding feat in any year. Governors have won the State by a million two recently, million three; the only person to surpass her was Ralph Cappy, the top of the ticket for the Supreme Court. Obviously, Kate Ford Elliott was well received by the public in Pennsylvania and obviously, from the number of people who are here, she is well received in Allegheny County and you are all proud of her, as we are.

Present here today on our Court, Judge Cavanaugh was going to be seated to my right and, unfortunately, he took ill and couldn't be here. But he sends his best regards and good wishes to Kate Ford

Elliott. Judge John Brosky, who will become a senior judge in January of this year, and he is seated to my left. Judge James E. Rowley, Donald E. Wieand, Stephen J. McEwen, Jr., Joseph A. Del Sole, Frank J. Montemuro, Jr.; first there were none and then there was one and now there will be two, Judge Phyllis Beck, Judge Patrick R. Tamilia, Judge Justin M. Johnson, Judge Harry M. Montgomery, Judge J. Sydney Hoffman, Judge William F. Cercone, and Judge Hester was going to be here also and sends his regrets, there is an illness in his wife's family.

Also present today we have some other distinguished jurists, Judge Robert E. Dauer, Administrative Judge of the Criminal Division of Allegheny County, Judge Livingstone Johnson, Judge Cynthia Baldwin, Judge James MacGregor.

We also have several jurists for the Commonwealth here. Judge Francis A. Barry, Judge David W. Craig, Judge Bernard McGinley, Judge Emil E. Narrick, and we are indeed honored to have with us also today Carol Los Mansmann, Judge of the Third Circuit Court of Appeals of the United States.

There are several elected officials here, also. Pete Flaherty, Allegheny County Commissioner; Larry Dunn, Allegheny County Commissioner; Tom Flaherty, City of Pittsburgh Controller; Representative Paul McHale; Representative Joseph Preston; Donna Jo Schmitt, Treasurer of Somerset County; Linda Jo Berkley, Registrar of Wills of Somerset County; and Jim Ferlo.

I'm sure I missed someone, but my colleagues will hand me up notes shortly and as we go along, we will make some corrections or additions.

The woman who set Pennsylvania on fire a year ago, they called her a giant killer, is present here today to give remarks. Catherine Baker Knoll, who not only was a campaigner but also a business woman, an educator, a person who gave a great deal to her community and who raised her lovely children, each of whom is successful today and each of whom has graduated from college and gone on to greater heights. I present to you the State Treasurer of Pennsylvania, Catherine Baker Knoll.

MS. KNOLL: Thank you. I should start by saying praise be to God and hallelujah. (applause)

To Reverend Kurutz, to Judge Cirillo and all of our distinguished jurists from all three courts, the Commonwealth, Common Pleas and Superior Courts, to Sister Sarah Marie Healey, who is a very dear mutual friend of Both Kate and I, we're so happy she is with us. And to all of our honored guests and family, and to mother, Fred, to Lock, all the stories we have about little Lock. And then to our soon-to-be Honorable Kate Ford Elliott.

When I was campaigning for the office of State Treasurer in 1988, an energetic, intelligent, highly-visible candidate for the office of the Judge of Superior Court of Pennsylvania was also campaigning across the Commonwealth. Her name was Kate Ford Elliott. And everyone knew the beautiful red head with the beautiful smile. Kate was a tireless campaigner. She never embarrassed anyone, she was always a lady, and just imagine traveling to little Elk County or Wayne County or Susquehanna County of all of the many counties of Pennsylvania, 67 counties, sometimes in an automobile by herself, sometimes by train or bus, very seldom enjoying the comforts of traveling by air. Never stopping, never complaining, and always with that beautiful smile seeking support, and that was our own Kate Ford Elliott. And also imagine winning a very tough, hard primary fight, then to be told that all the campaigning and all the hard work was in vain because of a new interpretation or a different interpretation of the law. Kate Ford Elliott, as well as all of us, was very disappointed, but she never faltered, not once, and during the remainder of 1988 as we all were campaigning, Kate Ford Elliott was still out campaigning. During that whole general campaign, she was going everywhere with us. I admire her for that because she didn't have to be there, she could have been at home with Lock and with Fred, but she was out there because she had a goal.

She participated in activities that she didn't have to, but it takes this kind of perseverance and dedication to achieve our goals.

I know that all Pennsylvanians are proud of Kate, and they should be proud because she stands tall among us. I know she will be one of the hardest working Judges on the Superior Court. To Phyllis and our other Judges, I can stand honestly and say that. I have watched this woman work with me when we've put in 14 hour days, and there were a lot of them and day to day and back to back, so it

wasn't easy. Eleanor Roosevelt once wrote, "In the long run, we shape our lives and we shape ourselves. The process never ends until we die. And the choices we make are ultimately our own responsibility."

Ladies and gentlemen, it is an extreme honor and pleasure for me to be here to witness the induction of my dear friend, Kate Ford Elliott, and your friend to the Superior Court of the Commonwealth of Pennsylvania.

Kate, I wish to you my heart-felt congratulations and success in all your endeavors, and to your wonderful husband and son, I say thank you for all your patience in dealing with a woman running for office.

Thank you. (*applause*)

PRESIDENT JUDGE CIRILLO: We have present in the audience seated in front of us several judges, I neglected to introduce. Judge John L. Musmanno, Judge Don Lee, Judge-elect Paul Luty and Judge Dante Pellegrini of the Commonwealth Court.

We also have Representative Joseph Preston and City Councilman James Ferlo present. We have representatives of labor here, Bob McIntyre, vice president of the Pennsylvania AFL-CIO, Tony Como, Theresa Rule, George Reese. We also have present the Honorable Joseph Ridge and Councilman Michael Coyne.

We have here to speak on behalf of our Judge-elect the Honorable Thomas Pomeroy, former Justice of the Supreme Court of Pennsylvania, former President of the Pennsylvania Bar Association, the Allegheny County Bar Association, member of the Board of Trustees of Lafayette College, the original reformer who wrote the Pomeroy Report for the Commonwealth of Pennsylvania, we have another report following up on that called the Beck Report, all seeking the same things, better justice in Pennsylvania, and we are so proud to have Justice Pomeroy with us to speak on behalf of our Judge-elect. Justice Thomas Pomeroy. (*applause*)

JUSTICE POMEROY: Thank you very much, President Judge Cirillo, members of the Superior Court and members of all the other Courts present, which I shall not try to enumerate because I will certainly miss somebody.

Your Honor, I am not sure whether I stand at the regular podium—

PRESIDENT JUDGE CIRILLO: I think it would be best if

you be at the roster there to address the audience.

JUSTICE POMEROY: It is a great pleasure for me to be here today to join in this happy ceremonial session of the Superior Court of Pennsylvania at the time of the induction of our friend, Kate Ford Elliott.

It's been said in the past many times that old lawyers never die, they just lose their appeals. I can testify to the validity of the latter part of that statement from personal experience of the time that I've been off the Supreme Court.

In any event, I have no qualms about speaking here today because this is not an appeal I am taking to your Honors, but making a presentation or expressing an appreciation. Whatever I say, I'm sure that the Honorable Judges will agree with it. In fact, Judge Cirillo has already taken some of my thunder and some more, but in any event, excuse my voice.

I am here today because of a little bit of lucky fall-out, you might say, from the decision of the United States Supreme Court—Pennsylvania Supreme Court rendered in August of last year. It's a case called Sprague against the Governor of Pennsylvania, Governor Casey, and many of the Judges here at least will know the nature of that case which held that no judicial elections under our Constitution could be conducted in an even-numbered year. It had to be done in an odd-numbered year.

So Kate Elliott, who was then campaigning for the Superior Court position, and who, no doubt, would have been elected, might have been inducted here a year ago, had to stop her official campaigning at that time, although I think she continued unofficially to reach more people and, of course, when all that was over, she was no longer attached to this Court and, therefore, it was the good fortune of the firm which I serve as counsel that she became available to our office as an associate lawyer and, therefore, for over the past year she has been with the firm of Kirkpatrick & Lockhart, working hard with its litigation department or group in all kinds of cases, civil and criminal, trial court level and appellate court level. She has written briefs, she has taken depositions of prospective witnesses two weeks ago at this time, seven depositions, working night and day in that process, and writing a brief for the Supreme Court of

Pennsylvania. She did all this in a fashion that caused us admiration because she was balancing her job work with her necessary renewed electoral work when the elections came on in this odd-numbered year, in 1989, and with her family, also. A very nice balance she was able to maintain.

But during this period, I came to know Kate quite well, and to know Kate is to like her; to know her is to admire her; and to know her is to respect her for her ability, her hard work and what she is. I have only one fault about her performance with the Kirkpatrick law firm which occurred in this way: We have a tradition on the floor where some litigation occurs there that when you win a case, you have a little celebration the next day with some cookies or cakes or something of that sort. The case that Kate had written a brief on in the Supreme Court was decided in our favor of course, but Kate forgot to bring the cookies in the next day. She was duly corrected for that. And made amends. Unfortunately, I didn't sample them and I haven't asked her about her cooking ability, but I guess it is probably as good as her other abilities.

There is an unusual aspect to this proceeding, Mr. President Judge Cirillo, in this respect: Usually when a lawyer or a judge is coming to be inducted into a new court setting, he is a relative stranger—he or she is a relative stranger, both in terms of personality and in terms of work ability and all those other things. In this case, that is not so. That is a rather unique situation because Kate is no stranger to this Court and she has been with it for all of her legal professional life since 1980 up until the present time. She has worked with the Court first as a law clerk to His Honor Judge Harry Montgomery and then administrative assistant to President Judge Cercone in the early '80s when he was President Judge, and more recently under President Judgeships of Judge Spaeth and Judge Cirillo.

In any case, in all of this work, she has been intimately connected with the growth of Superior Court, a relatively small court of seven judges, to its present size of fifteen active judges and a number of senior judges, some of whom are here today, including Judge Harry Montgomery, who has the longest tenure here, I believe, and who taught me a few things, as well as Kate Elliott, a long time

ago and in a somewhat different fashion. That's when he was a trial judge.

So this Court has grown, Judge Cirillo, materially, in the last ten years particularly. I was very happy when that happened, because I advocated for years an increased number of judges on this Court at the intermediate level where the work load is so heavy.

Kate has helped to make that transition from a small Court to a large Court and to develop the techniques that a Court of this size needs. It needs a lot of support both administratively, clerically, in terms of budget and in terms of legal assistance. Judges do need legal assistance, strangely enough. And this Court has established a body called a Central Legal Staff, which is a modern technique used by the best courts in the country to help the active judges and their clerks in a number of ways, screening the appeals, looking for defects in them that might make it impossible for them to proceed further, screening them for special treatment, screening the decisions of several panels of the court so that the right hand knows what the left hand is doing, so to speak, and they don't have too many conflicts, and all kinds of other legal chores of that sort, memorandum writing, bench memorandum and so forth.

Incidentally, speaking of panels, Judge Cirillo and fellow Judges, you will be pleased, I'm sure, to know just today I got in the mail a letter for Judge Lipez, a Lockhaven Common Pleas Judge, but he has the distinction of being the first Common Pleas Judge to be appointed by the Supreme Court to sit as an appellate Judge with this Honorable Court. That was way back somewhere in the '70s, I've forgotten just when, when this Court started to sit in panels, even before its membership was as large. Judge Lipez says his health has not been the most robust, but nevertheless, he is able to get around.

Well, that's the reason that today is unique, Kate Elliott knows this Court and this Court knows her. So they are already pretty well acquainted, and the teachers of Kate, of course, have been the judges. In fact, she herself gives them due credit in the magazine published by the Pennsylvania Bar Association called *Pennsylvania Lawyer* where Kate is quoted some months ago as saying—this is long before she won the election—“I have learned about the privilege and the responsibility of judging from some of the best appellate judges in

Pennsylvania.”

No one will dissent, at least not today, from that appraisal.

She has shared her knowledge of how this Court works with various Bar Association groups, participating in seminars about appellate court practice, writing articles about the work of central legal staffs and so forth.

But beyond these professional and technical qualifications, Kate, I think it’s necessary to say that she has some other qualifications, such as, importantly, that of being a caring person. That is demonstrated, I think, as eloquently as it can be by the fact that before she turned to the law, she was for six years with a master’s degree in teaching engaged in teaching disabled children, children with learning and reading disabilities. She was a remedial reading teacher in underprivileged situations.

I think that shows her motivation, and her desire to be a judge, I think, is not a search for power or position or prestige and it’s not just a response to an intellectual challenge, either, although that might be present. But it is a response to her belief that a judge has a special opportunity to help resolve controversies and help resolve conflicts with an understanding heart as well as with an inquiring mind.

I think that Kate Elliott shares the philosophy of a very distinguished judge who many of you have heard of, I’m sure, named Harold Madena, a Federal Judge at the District Court level—Circuit Court of Appeals level in New York made famous for his trial of the communist cases in the 1950s. He spoke to the Pennsylvania Bar Association in the early ‘50s and said this:

“The Judge’s robe is the mark that he...”—and today he would have said or she—“...is the mark that he who wears it has a sacred duty to perform. The duty not merely to decide cases, but to administer justice and to strive with all his might to make the administration of justice as perfect as the limitations of the human mind will permit.”

Then Madena went on to say this later in his talk:

“I do not know why a judge should be ashamed to seek the guidance and strength from Almighty God. According to my way of looking at things, that is precisely what a good judge should do.”

I have a feeling that Kate agrees with that entirely.

This approach to the job of judging is all the more important today than it was even when Judge Madena spoke 37 years ago because of the change that's come about in the law. There is in the law an explosion and at the same time there's been a population explosion. There's been an explosion in the knowledge of the law or legal fields as there has been in science and other things. Environmental law, for example, was never heard of some years ago. We have a whole new law deriving from the advances in medical science, for example. The right to be born, the right to die, all the different rights that are asserted in between birth and death, stemming not just from the problems in genetics, advances in genetics, but in every other field. So that not only has this Court enlarged in numbers, but the law that it now administers is a different kind of law that it was many years ago.

We sort of welcome the case of *quare clausum fregit*, that means one neighbor sues another for trespassing on his land. That seems to be sort of a pleasant relief from the kinds of social, economic, political and religious problems judges are called upon to decide these days. I believe Kate is prepared to join this Court in grappling with those problems.

Finally, Your Honors, I present to you your new colleague as a woman, which she is. That's already been averred to by the Honorable Treasurer of the Commonwealth. But it seems to me that in Pennsylvania, we have often been slow to recognize the judicial capacity or talent which is complacent in minority groups, including women as minorities, even though they are numerically more numerous than males, but women, Blacks, Hispanics and others. It is nice to know that there is a new woman judge here today, Judge Baldwin on the Court of Common Pleas, and she and Kate share the distinction of being the last in a list of distinguished Pennsylvania women to be judges.

Let me just give you a very quick thumbnail summary of that situation.

The Supreme Court has no women on it at the present time. It has had two justices who have been Supreme Court members by appointment and who have served for short terms, for matters of months, before dropping off. One for age and one for not succeeding

in the election.

The Commonwealth Court today has three women who sit by virtue of the electoral process, one a distinguished senior judge, Genevieve Blatt, originally from the Pittsburgh area.

The Common Plea Courts I do not know the exact number. There are 26 women sitting across the State either as Common Pleas judges or as district judges, that is the so called minor judiciary status, and I am not sure of the division between them.

In the last November election when Kate was elected, there were five new Common Pleas judges elected across the State, four of them I think in Philadelphia, one in Northampton County and one municipal judge of Philadelphia County. The first judge in Pennsylvania to be a woman, first women to be a judge, was judge Sara Soffel of Pittsburgh who was appointed to be a judge of the County Court—old County Court of Allegheny County of 1930. She served thereafter on the Common Pleas Court for 20 years, from 1941 to 1961, and any woman, or even any male judge, today could profit by knowing more about Judge Soffel, who was just a wonderful person in every way.

The Superior Court, Your Honor, has had 73 judges in the years since it became a Court by virtue of legislative enactment in 1895, sits not by virtue of the legislature but by virtue of the Constitution of the Commonwealth of Pennsylvania, but of those 73 judges, there's only been one woman judge and that is Judge Phyllis Beck, who has already been spoken of, who has distinguished herself in the years she has been here since 1983. Now, happily, she will be joined by another able woman judge, Kate Elliott.

In conclusion, it is my conviction that Kate will grace this Court with her charm and warmth of her personality. She will more than pull her weight in coping with your daunting case load, she will bring the qualities that make for a fine judge, intelligence, integrity, humility, a desire to do justice tempered for a need to be with mercy, and, of course, knowledge of the law always helps a bit. She has that.

Thank you very much. (*applause*)

PRESIDENT JUDGE CIRILLO: We also have present to honor our new judge Judge David Cercone, also present is Judge-elect Joseph Hudock of the Superior Court of Pennsylvania, who will be

inducted tomorrow in Westmoreland County.

Justice Pomeroy, I have heard many times about the dearth of female judges—of justices in Pennsylvania and in politics, et cetera, and I think I should speak up at this time and tell you the reason I think that is so is that when I was a youngster and when Justice Pomeroy was a youngster, there wasn't a pool of women who had law degrees. I went through law school and had one female in our class. Brilliant lady, she went off and got married and retired. But when we get talent such as Kate Ford Elliott's, people are glad to see her ascend to the bench, as they were when Judge Phyllis Beck ascended to the bench.

It's been eluded that Kate Ford Elliott was Chief Staff Attorney of Central Legal Staff. She was the builder of Central Legal Staff. When she took over Central Legal Staff, she had been administrative assistant to President Judge Cercone, and there were only nine positions in the Central Legal Staff at that time. And when it was first started, seven judges on this Court wrote a total of 300 opinions for the year. Kate Ford Elliott had to build Central Legal Staff to clear cases when this Court was writing 5 to 6,000 opinions a year and it was necessary for Central Legal Staff to clear those cases, to make sure they were correct and make sure they were not in conflict with each other.

In addition to having a great deal of knowledge of the law, she had to be an educator and teach the young lawyers she was hiring fresh out of law school how to do the job. The staff went from nine members of Central Legal Staff to seventeen members when she retired. And she did a commendable job, and so did her staff, and that staff is still functioning today.

Another thing she did when she was administrative assistant to the President Judge, she wrote the first set of internal operating rules for the Superior Court. They are the rules that tell us how to deal with each other, when it is our duty to vote, what we do when we want to dissent or concur, how soon an opinion should be filed. Those internal operating rules were just recently amended after six years of serving this Court well, and she did such a good job, I told her at lunch today I am appointing her to the internal operating rules committee.

Judge Wieand and Judge Rowley reminded me today when we had lunch with Katie that the first day we were on the Court, she was one of the bosses back then, and we found 60 cases waiting for us the day we were appointed. I have something in store for her tomorrow.

Kate is indeed fortunate to have a wonderful husband, many times I say he should be sanctified for the law is a jealous mistress.

Frederick, stand up so we can give you a hand. (*applause*)

As you know, the law is a jealous mistress. Greg is a lawyer, too, and he is a very busy person and he put up with Superior Court. They have their 3 year old son, Laughlin Elliott, is he still here?

JUDGE-ELECT FORD ELLIOTT: Oh, no, he left. We tried.

PRESIDENT JUDGE CIRILLO: Katie's mother is here, Loretta A Ford, and whenever we wanted Katie, we called home and found Loretta there and she would hunt her down for us and tell us where we could find her, and Loretta was a good guiding light for her daughter, Kate Ford Elliott, who is a great success. (*applause*)

Also present is Katie's sister, Mary Ford Biggerstaff, and her children, John and Laura, and her fiancé, Jack Campbell. (*applause*)

Her other sister, Loretta Ford Crane, and family are unable to be here and they sent Katie their best wishes.

Katie's brother, Michael Ford, and his wife, Mary Spence Ford and their children, Megan and Ann, are here. (*applause*)

Another sister, Libby Ford, is here. (*applause*)

Another brother, Tom Ford, and his wife, Sally O'Donnell Ford, and their children, Becky, Molly and Colleen, are present. (*applause*)

Katie's Aunt Mary O'Toole and Aunt Catherine O'Toole are present. (*applause*)

Representatives of the Elliott family present are Dr. Frances O'Laughlin and James Laughlin Elliott. (*applause*)

We are honored that the President of the Allegheny County Bar Association, Vincent J. Grogan, Esquire, is here to present the commission to Kate Ford Elliott.

MR. GROGAN: President Judge Cirillo, may it please the Court, may I use the podium to deliver a few remarks?

PRESIDENT JUDGE CIRILLO: You may.

MR. GROGAN: Thank you.

PRESIDENT JUDGE CIRILLO: Thank you, Mr. President.

MR. GROGAN: President Judge Cirillo and other members of the Superior Court, members of the Commonwealth Court, Judge Mannsmann of the U.S. Court of Appeals, members of the Courts of Common Pleas and other honored guests and dignitaries who are obviously too numerous to mention:

There are really no more pleasant tasks for one to perform in the life of another than I have today in presenting the commission of Judge Kate Ford Elliott. This is a memorable day for us lawyers, this is a memorable day for this Court, and it obviously is a memorable day for our good friend Kate. Important to us as lawyers in the County and in this Commonwealth because one of our own who we admire both professionally and personally is becoming a member of this Court, and this Court, which plays such an important and critical role in the judicial system in the Commonwealth. We are confident that Kate will perform and will bring to this Court the highest standards of integrity, impartiality, and diligence that are possible. We have said through out judicial referendum process that she also brings to this Court the highest level of legal competence. But she comes to this Court more importantly as a really decent person concerned for others and concerned with the common good. We look for her to be a strong contributor to this Court, yet with the measure of independence and self-confidence that we have all seen of her in the past.

Judge-elect Ford Elliott is important to this Court because she brings to the bench years of training and experience in appellate law as has been described by President Judge Cirillo and by former Justice Pomeroy.

I have to tell you that several years ago we at the Allegheny County Bar asked Kate to work on the formation of an appellate rules committee because the appellate process is so important in law today. And not only did she work tirelessly to organize that appellate rules committee, but she in fact was its founder and then was later its first chair and in that role brought about significant achievements. She also brought to that role something that is quite evident to us lawyers and that is mature judgment, because on that committee she worked

with not only members of our Bar, but many members of the appellate court.

Judge-elect Ford Elliott is also important to this Court as she is its first woman member from western Pennsylvania. We've talked about that here briefly before. As women are assuming a larger role in the practice of law, it is important and appropriate that they take their rightful place on the bench. (*applause*)

You've heard Justice Pomeroy cite certain statistics, I will add another to that array, and that is that Judge Ford Elliott is only the fifth woman to be elected to the appellate bench in Pennsylvania. We hope, we at the Allegheny County Bar, we will work to see an increase in participation by women in this area of law.

But finally, this is the most important day to our good friend and colleague, Kate Ford Elliott, and I will not protract these proceedings.

On behalf of Judge-elect Ford Elliott, her family and friends, I wish to present to the Court at this time her commission as a member of the Court.

PRESIDENT JUDGE CIRILLO: Thank you.

MR. GROGAN: Thank you very much. (*applause*)

PRESIDENT JUDGE CIRILLO: Judge Harry M. Montgomery, Senior Judge of the Superior Court of Pennsylvania, who was one of the first judges Kate Ford worked for and was one of her mentors, will say a few words and also will read her commission to her.

JUDGE MONTGOMERY: President Judge Cirillo, members of the Court, if I may, I would like to address my remarks from this position and also read the commission.

My assignment here today was to read the commission of Kate Ford Elliott with the privilege as indicated by the President Judge of making a few brief remarks. My voice will not permit me to extend those remarks very long, but there are certain things that I must say.

Ten years ago, more or less, I had the privilege of presenting to the Supreme Court Kate's credentials issued by the State Board of Law Examiners, which declared that she was qualified to practice which it did. And thus, her legal career began. You've heard it reviewed in the course of her career, starting first as serving a clerkship in my office and ending with chief of the Central Legal

Staff. I will not dwell on those things except to say that most of us followed her career, at least in part, some of us from the very beginning. Her services were always to the Court and its judges and they were always satisfactory.

Now, what you've heard has been a prologue to the real drama, the curtain on which is about to rise, as Kate embarks on her new career, a judicial career. I have here evidence which will be the authority for placing her on a seat on this bench which she rightly earned and positively deserves. I know that she will be an important adjunct to this Court, as she has been of service to it in the past, and I know that in the future she will make the important contributions that will enhance the prestige of this Court and add additional luster to the excellent reputation that I now enjoy. Her knowledge of the law came to her early training and early years of service to the Court, her intimate knowledge of the workings of the Court, administratively and operatively. Her devotion to her work in the Court. Her intelligence, her energy boundless, or how could she have survived two long years of campaigning if she didn't have endless energy, which apparently has not been dissipated, it is roaring to go even now. So that with her—as one indicated her charm, her pleasantness, her compassion, it all adds up to success for her in her new role as judge of this Court.

Now, in conclusion, let me express the fervent wish of all of her friends, including those here today, that she be blessed with good health and she have a long and productive career as judge. One that will be satisfactory to the people of this Commonwealth whom she will serve and one that will give her deep personal satisfaction. And bring much happiness to her and this wonderful family of hers.

At this point, we have called her affectionately Kate, we shall not presume to do that much longer. For after the conclusion of these ceremonies, we shall be proud to address her properly and respectfully as Your Honor, Judge Ford Elliott.

Thank you. (*applause*)

PRESIDENT JUDGE CIRILLO: May I have a point of privilege here? I just want to tell this audience, if you don't know Judge Montgomery, he is one of the great jurists of all time. This young man is 88 years old, wrote 200 opinions this year and 240

opinions last year. I think he deserves a round of applause. (*applause*)

JUDGE MONTGOMERY: I was going to say thank you, I don't deserve it, but thank you, I do deserve it. Thank you, President Judge Cirillo.

Now, may I proceed with the reading of the commission:

Governor's Office, it has been issued by the Governor's Office, addressed to Kate Ford Elliott of the County of Allegheny in the Commonwealth of Pennsylvania, and it reads:

"Greetings: Whereas, it appears by the certificates and returns made according to law, of the election held on the seventh day of November, Anno Domini, one thousand nine hundred and eighty-nine, you have been elected Judge of the Superior Court of the Commonwealth of Pennsylvania.

"Therefore, Know Ye, That in conformity to the provisions of the Constitution and Laws of the said Commonwealth, in such case made and provided, I do by these presents commission you to be Judge of the Superior Court of the Commonwealth of Pennsylvania, Second Priority of Commission.

"To Have and To Hold the said office, together with all the rights, powers and emoluments thereunto belonging or by law in anywise appertaining for the term of ten years to be computed from the first Monday of January, Anno Domini, one thousand nine hundred and ninety, if you shall so long behave yourself well.

"Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-first day of December, Anno Domini, one thousand nine hundred and eighty-nine and of the Commonwealth of the two hundred and fourteenth."

Signed by His Honor, Robert P. Casey, Governor, attested by the Secretary of the Commonwealth, Christopher A. Lewis, and bearing the Great Seal of the Commonwealth.

Now, Mr. President Judge, I move that the oath of office be administered to our Judge-elect, Kate Ford Elliott. Thank you. (*applause*)

PRESIDENT JUDGE CIRILLO: I told you at the beginning I'd miss some people here. It's been called to my attention that Jury Commissioner Jean Milko is present to honor our new jurist, I understand she has been elected to her fifth term as one of the great

political leaders of the community.

Present we also have—and these people traveled a great distance to come here and honor our new judge, Court Administer of the Superior Court of Pennsylvania, Mr. Nicholas DiLorenzo; Prothonotary of the Superior Court, David Szewczak, Chief Staff Attorney, Kurt Clawson and Assistant Chief Staff Attorney, Zygmunt Pines; Administrative Assistant to the Court to the President Judge, Marie Barnhurst; Deputy Prothonotary came in from Harrisburg, Mildred E. Williamson; and the Deputy Prothonotary from Allegheny County, Ellie Valecko and Superior Court Recorder, Kathryn Bann.

These people all admire Kate Ford Elliott and at one time or another she helped them in their jobs or held the job that they presently hold. Sometimes she did all those jobs.

We are really honored to have the administration of oath of office given to Kate Ford Elliott by former President Judge William F. Cercone, former Judge in the Court of Common Pleas of Allegheny County, former Judge of the Superior Court of Pennsylvania, elected in 1968, former President Judge, great teacher, great worker, he is a senior judge, he put out his 200 opinions this year, God bless these senior judges, and he is greatly admired not only by our Court, but by our new Judge-elect, Kate Ford Elliott. I present to you Judge William F. Cercone.

JUDGE CERCONE: Thank you very much, President Judge Cirillo. It's all been said so eloquently and so impressively and I just want to congratulate the speakers who have done so marvelously well in honor of our Judge-elect.

Before we administer the oath of office to Kate Ford Elliott, I do want to say that Judge Montgomery and I are particularly honored to have this opportunity of participating in this most important event, in light of the fact that we had such great associations with her when she first came to the Court as a member of our respective staffs. Of course, Judge Montgomery, it could also be that Kate has given us this honor because you and I are the two gray beards on this Court and from Allegheny County. What our friends in the audience don't know is we shaved off our long growing beards this morning so we would be more in keeping with modern induction ceremonies. That

doesn't mean that we have sat on this bench since the Court was established in 1895, almost 100 years ago. Although we have served long enough time both on the trial courts of this great Court of Common Pleas of Allegheny County and the appellate courts for the last 20-some years and we have enjoyed those years immensely, we have seen some great and wondrous changes in the law, some great changes in the social economic life in America. We've enjoyed working with these great judges, past and present judges who have served on his Court and with the members of our staff, one of whom, of course, was our Judge-elect.

Yes, it has been said by Justice Pomeroy and the other speakers that Kate was Judge Montgomery's law clerk and then my administrative legal assistant when I had the honor to be President Judge of this Court, and because she demonstrated those great and high qualities of diligence and dedication and legal scholarship, she became chief staff attorney for the Court and she came at a most interesting time in the history of our Court, one of the most exciting times in the history of the Superior Court, when we had great changes.

In 1979, the people of Pennsylvania by referendum approved the enlargement of our Court on condition of legislative enactment, and subsequent to that referendum, the legislature added eight judges to the Court making fifteen judges sitting as active judges on the Court. Today we have fifteen active judges and until the end of the year we will have five senior judges, all working in this Court where the appeals come cascading into our Court some 5,000, 6,000 appeals a year. It is a very highly-oppressed Court.

What was remarkable about that referendum in 1979 was that the people, you know, are very cautious, are very conservative when voting on referendum matters. They vote more no than yes. They watch their dollars, as they should do, and yet it was remarkable that the information—after having sifted through the information and surveying all the reports about the Superior Court having this great volume of appeals filed every year voted yes in substantial numbers that carried the vote by a great measure and approved the enlargement of the Court by adding eight judges, and that was a great commendation on the part of the wisdom of the people.

And so Kate was part of that period and she was part, as President Judge Cirillo said, in making the appellate court—the Superior Court the first appellate court to be computerized. When you consider the wizardry and the miracle of the computer world, it's like leaving the ox cart and getting into an airplane. It so facilitates the work of the Court in making it as modern as it can be. And again, as the President Judge said, Kate added valuable advice and counseling in formulating the first complete internal rules of Court, which, of course, set forth the guidelines so that we could file our opinions timely so as not to delay any man's, woman's or child's case that came before the Court.

In 1978 the American Judicature Society found, after surveying the entire nation, said the Superior Court was perhaps the most oppressed court in the United States doing what was above and beyond what could be reasonably expected from any individual judge. As you heard, we are writing 200 or 250 opinions a year. You know, that's almost an opinion a day.

So it was during this period that Kate Ford added this dynamic energy that she had. She was very articulate; she is very thoughtful, she was very clear in her thinking that it made it a pleasure to work with her. As Judge Montgomery said, sometimes we refer to her as Kate under the tension and the oppression of the occasion and she would look upon us with that indulgence recognizing perhaps the impropriety of that first name at the time, but she understood that under the tension sometimes we use the first name. But as Judge Montgomery said, that's all gone now. At this point, it will be Your Honor, Judge Elliott; yes, Your Honor; no, Your Honor; we agree, Your Honor; we disagree, Your Honor.

But in any event, in all events, it is a great day to have Kate Ford become part of the court system.

You know, when the excitement of this day is over and it becomes part of the history of our Court and part of the history of the people of Pennsylvania and, of course, part of the history of the Ford and Elliott families, the true nature of the judge's work begins. It has been said and it will be often said that the judiciary is pedestaled in fragile loneliness, and that is true; it doesn't have any armies, doesn't have any treasuries, it has no bureaucracies, it depends

on the executive branch of government to carry out its orders. It depends on the executive branch of government to carry out its orders. It depends on the legislature for its budgetary needs. Yet, in that comparative fragile loneliness, to the judiciary has been entrusted the responsibility of protecting those freedoms and rights under the rule of law by decisional process.

History has proved that although we have those organic laws, the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania, which point out the dreams and hopes and aspirations of the people, none of that would become true, none of that would be put into fruition unless it was for the course of these United States and the Commonwealth of Pennsylvania that would breathe life and meaning into those inevitable words in those basic documents.

So Kate Ford is one of those strengths that we look upon in carrying out that great tradition. It is said that quality of life is determined in great measure in direct proportion to the commitment you make to excellence, and Kate Ford has always committed herself to that kind of work. We are certain we are happy to have her aboard, we know she will add some bright chapters to the history of the Court, to the history of the law, and we welcome her and wish her and her family well.

Now, Kate, if you and your lovely mother will step forward.

Put your left hand on the bible and raise your right hand and repeat after me.

I, Kate Ford Elliott

JUDGE-ELECT FORD ELLIOTT: I Kate Ford Elliott

JUDGE CERONE: do solemnly swear

JUDGE-ELECT FORD ELLIOTT: do solemnly swear

JUDGE CERONE: that I will support, obey and defend

JUDGE-ELECT FORD ELLIOTT: that I will support, obey and defend

JUDGE CERONE: the Constitution of the United States

JUDGE-ELECT FORD ELLIOTT: the Constitution of the United States

JUDGE CERONE: and the Constitution of this Commonwealth

JUDGE-ELECT FORD ELLIOTT: and the Constitution of this Commonwealth

JUDGE CERCONI: and that you will discharge

JUDGE-ELECT FORD ELLIOTT: and that I will discharge

JUDGE CERCONI: the duties of my office

JUDGE-ELECT FORD ELLIOTT: the duties of my office

JUDGE CERCONI: with fidelity.

JUDGE-ELECT FORD ELLIOTT: with fidelity.

JUDGE CERCONI: Congratulations and God bless you
(*applause*)

PRESIDENT JUDGE CIRILLO: If you will be seated, Frederick Elliott, husband of our newly sworn-in judge and Laughlin Elliott, will robe Kate Ford Elliot Judge. (*applause*)

Mr. Carey, would you escort our newly sworn-in judge to the bench.
(*applause*)

JUDGE FORD ELLIOTT: I didn't know I'd be able to do this from up here, but I am happy to be sitting down, this is a very emotional moment for me as you can imagine.

Reverend Father, Sister Healey, distinguished Jurists, members of this Court, Madam Treasurer, President Grogan, Justice Pomeroy, family and friends:

How thrilled I am that you are with me here today. Yesterday I attended another rather wonderful swearing-in ceremony and celebration and it was for Judge Cynthia Baldwin of the Court of Common Pleas of Allegheny County. (*applause*)

It was wonderful not only because of who Cynthia is, but also because she represented the first Black woman to be sworn in to the Court of Common Pleas and I took great pride in that as well. At the time Cynthia spoke she reminded us all in her remarks that it was truly a day of celebration, and I would like to echo that sentiment today because I would like to celebrate a little. My remarks will be brief because I know that, at least for me, the time for rhetoric is past and the time for work has begun. I do want to celebrate at least for today.

Firstly, I celebrate my homecoming to the Superior Court. In my ten years serving the Court, I came to know the dedication and

integrity of the distinguished Jurists who reside here, and I am very, very proud to become their colleague. I will become their junior colleague and the only things I am worried about is the President Judge has indicated that I get the coffee. We have to talk about that.

I celebrate my year with my adopted home of Kirkpatrick & Lockhart and the many associations and friendships that I take away, particularly those with Walter Bunt and Woody Turner, Betty Kirby and you, Justice Pomeroy, who have honored me by your presence here today and your remarks.

I celebrate the friendships both new and old of all of you who are here today. I thank you for your loyalty and for your faith which I understand had to be very blind at times through this long long campaign. You have honored me by your support and you honor me once again by your presence here today.

I celebrate my family, without whose selfless love none of this would have been possible. I thank my mother for her peculiar campaign style and for her prayers. She's the only one I know who would travel around that State of Pennsylvania representing me and telling people she had no idea where I was.

I thank the real hero in my life, I thank my husband Frederick, because he was there when there were good days and he was there when they were bad. He is also the person who taught my son the phrase, "isn't this over yet".

I also must add two additional adopted family members to my list that President Judge Cirillo gave, and I'd like to take a moment to simply introduce Carol Coyne and Bonnie DeCarlo. (*applause*)

They are two very dear people whose counsel got me through these two years and whose friendship I will always cherish. I also thank Jack O'Brien, my campaign chairman, for keeping me organized and Ted Barowich, my treasurer, for keeping me honest. And I must mention some additional family who unfortunately are not here with me today.

The first is my father-in-law, Frederick Elliott. He passed away in 1982, but I suspect if Fred were with me today, he would simply wink and say the red head did all right. Then there was my mother-in-law, Mary O'Loughlin Elliott, who when she died in 1980 had

been a lawyer and a member of the bar for over 50 years. I know that Mary would have been pleased that I aspired to be a judge and I think she would have been very proud and not a little bit surprised that I made it, for the world was a very different place when Mary graduated from law school in 1929.

Finally, I regret that my father, John Ford, is not physically here today. Although he died when I was very young, he did leave me a legacy and that is with me today, probably more than ever before.

For my father was a man of great personal character and integrity and that was tempered by a compassion and a caring for others. And it is these qualities that I pray today I will carry with me to the quiet side of government, the courts, in the responsibility and the privilege of judging.

I thank you all very, very much for being with me on this wonderful day. (*applause*)

PRESIDENT JUDGE CIRILLO: Sister Sarah Marie Healey, Special Assistant to the President of Carlow College, will give the benediction.

SISTER HEALEY: Thank you, Your Honor.

Lord of life, from your heart you have gifted each of us gathered here today. We are grateful not only for the gift of life itself but for all gifts of friendship, love, challenge and forgiveness that we share. We are especially grateful for our able public officials, many of whom are present here today who graciously and sincerely dedicate their lives to the service to all.

Creator God, we thank you for calling us to lives of service, to deeds of hospitality, kindness to the stranger and concern for one another. We are inspired with the ways you reveal yourself to the world through the gifts and tasks of our daily lives. We ask you for continued blessings on Kate and each of us through the decade of the '90s and into all of our tomorrows.

God bless you all and may I now use the correct title by congratulating the Honorable Judge Kate Ford Elliott. God bless you. (*applause*)

CLERK: The Court is adjourned.

(Ceremony concluded, 4:25 o'clock p.m.)

INSTALLATION CEREMONY
OF
THE HONORABLE KATE FORD ELLIOTT

18th President Judge
of the
Superior Court of Pennsylvania

Friday, March 10, 2006
[11:00 A.M.]

Eighth Floor
City-County Building
Pittsburgh, Pennsylvania

COURT CRIER CAREY: The Honorable Judges and Justices of the Supreme and Superior Courts of Pennsylvania. Oyez! Oyez! Oyez! Let this ceremonial session of the Superior Court of the Commonwealth of Pennsylvania come to order, President Judge Emeritus Joseph A. Del Sole presiding.

Let all manner of person rise and attend. Let the family, friends, and associates of the Honorable Kate Ford Elliott be joyful as the Superior Court convenes for the Administration of the Oath of President Judge for the Superior Court of Pennsylvania to the Honorable Kate Ford Elliott.

God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE EMERITUS DEL SOLE: Please be seated. As we came out on the bench, I thought maybe they had more easily planned the Invasion of Normandy than to get us all lined up in the proper order of seniority. Ladies and gentlemen, on behalf of the Superior Court of Pennsylvania in its 111th year of service, I want to welcome you to this, the installation of our 18th President Judge. We are proud of the fact that Judge Ford Elliott has been chosen by her colleagues to serve as President Judge and are happy that she and her family are here to enjoy the festivities.

Before we begin any formal remarks, I do want to introduce some of the people that are here. To my immediate right is the Chief

Justice of Pennsylvania, the Honorable Ralph J. Cappy. Chief. I see that we have with us also a former colleague of ours and a Justice of the Supreme Court and a good friend, Justice Thomas G. Saylor. I see Justice Max Baer. We also have with us the newest or Junior Justice of the Supreme Court of Pennsylvania, Madam Justice Cynthia Baldwin.

Now I can't let this opportunity go by, Justice Baldwin, without offering you some thoughts to keep in mind to help you as you do your workload. Just remember any time you are reviewing a Petition for Allowance of Appeal from the Superior Court, the operative word is "Denied." Also, for those of us who watch the Supreme Court of Pennsylvania, we are going to be interested in the byplay this coming fall between the Chief Justice and the Junior Justice depending on how the Coaches Paterno and Wannstedt are doing in their respective positions.

CHIEF JUSTICE CAPPY: You want to talk basketball?

PRESIDENT JUDGE EMERITUS DEL SOLE: No. We have with us from the Commonwealth Court, I see Judge Bonnie Ledbetter and Judge Dan Pellegrini. From the United States District Court, Chief Judge Donetta Ambrose is here. I believe that Judge Joy Conti is here and Magistrate Judge Lisa Leniham is here, and we thank you for coming.

We have with us also the President of the Pennsylvania Conference of State Trial Judges, Judge Domitrovich from Erie County. And we have with us also Judge Joseph James, President Judge of Allegheny County, and many of his colleagues. I will not introduce everyone else at this time. We will start the remarks, and I will introduce other people that are present during the course of the program.

I noticed in this week's Pennsylvania Bar Association publication the announcement that the Honorable Kate Ford Elliott has been elected as President Judge of the Superior Court of Pennsylvania. And the article also correctly pointed out that she is the first woman to lead an appellate court in Pennsylvania. But I want to dissuade anyone who has the view that she got this position because she is a woman.

Judge Ford Elliott got this position because she has an

extensive history on the Superior Court. She began as a law clerk, moved on to being administrative assistant to President Judge Cercone, was the head of Central Legal Staff, and for the last 16 years has been a colleague of the Judges as a Judge of the Court.

She is devoted to the Court, to the law, and to public service. She has demonstrated administrative ability in her prior positions with the Court and also with regard to many of the service projects that she undertakes on behalf of the Judiciary and on behalf of the Court.

Her skills are best demonstrated by her ability to balance her roles as a wife, a mother, a member of the very extended family that we can see seated here today, and a judge, and her ability to recognize that relationships are as important as dispositions. She is an experienced, honest, hard-working person, and a wonderful friend. These are the reasons she was unanimously selected by her colleagues to serve as the 18th President Judge of the Superior Court, and we are thankful for her service.

So, Judge, I am very happy to participate in this program.

And now I would ask William P. Carlucci, the President of the Pennsylvania Bar Association, to address our organization and the people here.

ATTORNEY CARLUCCI: Thank you. Mr. Chief Justice, President Judge Emeritus Del Sole, President Judge Ford Elliott, may it please the Courts, I am Bill Carlucci. It is my great honor to appear this morning on behalf of the 28 thousand women and men who are the Pennsylvania Bar Association.

Those of you who have seen my Side Bar columns know that I have something of an interest in the law, the development of the law. And the Dean of Dickinson Law School about 10 months ago was kind enough to offer me a copy of a book which he believed, and rightly so, that I would find interesting. *The Lost Lawyer*, written by the Dean of Yale Law School and published by the Harvard University Press. Dean Kronman's book talks about the dichotomy that he has found between lawyers and their place in our culture for the first 100 years of our Republic, from approximately the time of the Revolutionary War to the Civil War, and that of lawyers during the second one hundred years, approximately the Civil War to present day.

Dean Kronman talked about the first hundred years of lawyering in our Republic as typified by lawyer statesmen, that is, people who devoted their life to public service. And in some cases they were very learned in the law and in some cases not, but they gave themselves over to the service of the culture as a whole at a time when, necessarily, lawyers were held in our culture in very high regard.

Dean Kronman contrasted that to lawyering in the second hundred years, which he described as lawyering fixed on an academic study of the law alone and less public service. Dean Kronman talked about that in terms of the scientific model of lawyering. And Dean Kronman suggested that in his judgment part of what we see as the diminishment of the position of lawyers in our culture might be attributed to this stepping back, so to speak, from public service in the lives of lawyers.

Well, I really wish that Dean Kronman could join us this morning because I have found this “Lost Lawyer” in Kate Ford Elliott. Kate is an Honors graduate of the University of Pittsburgh. She worked for six years teaching reading-disabled children at the junior high school level. She obtained a Master’s Degree in Education and a Law Degree from Duquesne University studying at night. She’s a member of the American, Pennsylvania, and Allegheny County Bar Associations, a member of the Judicial Administration Division of the American Bar Association, and the National Association of Women Judges.

She has been elected a Fellow of the American Bar Foundation and is a member of the American Judicature Society. Judge Ford Elliott served as Vice Chair of the Pennsylvania Futures Commission and is a member of the Pennsylvania Bar Association Commission on Justice Initiatives. She served as Co-Chair of the 1997 Pennsylvania Bar Association Women in the Profession Conference.

She has served on the Board of Directors of Duquesne University and Lawyers Concerned For Lawyers. She has served on the Board of Directors of WQED Pittsburgh and is Endowment Trustee for Arsenal Children and Family Services. She was honored by Carlow College as a Woman of Spirit in January of 1997.

She has been a frequent lecturer to bar associations on issues of

appellate practice and ethics and has served as a panelist of the National Symposium on Judicial Independence and Accountability conducted by the American Bar Association. In March of 1999, Judge Ford Elliott participated as a panelist in the American Bar Association Appellate Judges Conference in Washington, D.C.

Now, I have saved what I believe to be the best for last. It is my great honor to be here on behalf of those 28 thousand women and men that I mentioned a moment ago. Now, of course, it would have been an honor to receive a note in the mail offering me this invitation. But it didn't come as a note in the mail. Kate called me personally and explained to me the nature of the ceremony and offered me the opportunity to come and participate. As you might expect, I immediately accepted, and I asked for some details. Got a note from her laying out all of the details for which I had asked. And I wrote back saying I would like to know some of the notions of how I should approach my remarks. She called me again and personally answered all of my questions.

Now, that's the way I would expect to treat the President Judge of the Superior Court. It's not the way I would expect to be treated by the President Judge of the Superior Court. But the fact of the matter is, in addition to her many achievements academically and in public service, Kate is a genuinely decent human being that brings great compassion to the practice of law and to the Bench. And, for the third time, it is my great honor to be here on behalf of those 28 thousand women and men, all of whom celebrate this day with you. Thank you.

PRESIDENT JUDGE EMERITUS DEL SOLE: Thank you, President Carlucci. I want to now introduce some other individuals that are here. First, may I introduce the Chief Executive of Allegheny County, Dan Onorato. Thank you, Dan. I see the Mayor of the City of Pittsburgh, Bob O'Connor. Mr. Mayor. I see the District Attorney of Allegheny County, Stephen Zappala, Jr. I've heard that name before, but not with the "Jr." The new Dean of the Duquesne University Law School, the President Judge's alma mater and mine, Don Guter. Dean.

And I see the Chancellor of the Philadelphia Law Association, Alan Feldman. And I see Jean Milko, our Jury Commissioner, who is

here. And also Jack Shea is here from the Allegheny County Labor Council. We welcome you all, and we are thankful you are joining with us in this celebratory event for our new President Judge.

Now I would like to introduce our next speaker, the Honorable Kim Berkeley Clark. She is the Administrative Judge of the Family Division of Allegheny County and the Association. Judge Clark.

JUDGE CLARK: Thank you. Chief Justice Cappy, President Judge Emeritus Del Sole, President Judge Kate Ford Elliott—I love that! May it please the Court, family and friends, ladies and gentlemen: I am very honored and privileged to be here today, and it is with great pleasure and pride that I make remarks on behalf of the more than 6,000 members of the Allegheny County Bar Association.

It is my pleasure to have the opportunity to make these remarks because President Judge Kate Ford Elliott is a woman that I have long admired and long respected. It is with great pride that I stand here to represent the Allegheny County Bar Association because she is one of our own members and has been duly selected and elected to lead the Superior Court.

It is interesting to note that this is March, and March is Women's History Month. And we are all here today, gathered here today, to witness Judge Kate Ford Elliott's formal installation as the 18th President Judge of the Pennsylvania Superior Court.

Although the Superior Court is 111 years old, Judge Ford Elliott is the first woman to lead the Court. And, in fact, she is the first woman to lead any Pennsylvania appellate court.

And although we know she was not unanimously elected because she is a woman, as women lawyers and judges and as all practitioners, we are very proud of that fact. And this is truly a moment of history, and we are all very fortunate to be a part of this historic event.

One of my favorite poets and authors is Dr. Maya Angelou. And one of my favorite poems by her is called Phenomenal Woman. This poem celebrates a woman's non-traditional beauty and her inner beauty and character. Judge Kate Ford Elliott as a judge, a lawyer, a teacher, a wife, a mother, a daughter, a sister, a friend truly is a phenomenal woman. She has been honored as a Woman of Spirit. She has been considered Highly Recommended to serve and sit on

the appellate bench.

Judge Kate Ford Elliott, you are a phenomenal woman. This month the Allegheny County Bar Association celebrates and promotes diversity in the profession with the very first publication of *Today's Attorney*, a magazine inserted in the *Lawyers Journal*. I'm sure many of you have seen it, and we're very proud of it.

The March, 2006 issue entitled, "Moving Diversity Forward" highlighted the diversity of the Allegheny County Bar Association and the Allegheny County Bar. Judge Ford Elliott, you are truly here today moving diversity forward.

I have to take the opportunity, however, to mention her outstanding legal abilities and commitment to the community. Judge Kate Ford Elliott continues to be a champion for civil rights. She has been unafraid to render perhaps some unpopular decisions to ensure that the constitutional rights of all citizens are protected, even if those citizens are parents who have been suspected of neglect or abuse of their children.

In 1997, President Judge Kate Ford Elliott co-chaired the PBA's Women in the Profession Conference and also the Conference on Family Court Reform. As a result of this conference, a task force on Family Court reform was created to study problems and innovations in Family Court procedures. And because of her efforts, Allegheny County was one of four counties selected to participate in a pilot program seeking to promote prompt resolution of Family Court matters.

President Judge Ford Elliott, as a result of your dedication to the profession, to the law, and to the community, you have really made us understand how the court system impacts the lives of children, and you have worked hard to make the court system more efficient for our children and our families. So on behalf of the Allegheny County Bar Association, I congratulate you today on all of your accomplishments and for becoming the 18th President Judge of the Superior Court of Pennsylvania. We are so very proud that you are one of our own, and we know that you will continue to pave the way for others.

You are a phenomenal woman. Because you are a phenomenal woman, I'd like to close by reading an excerpt from that poem

Phenomenal Woman by Dr. Maya Angelou:

“Now you understand
Just why my head’s not bowed
I don’t jump or shout about
Or have to talk real loud
When you see me passing
It ought to make you proud
I say it’s in the click of my heels
The bend of my hair
The palm of my hand
The need for my care
Because I’m a woman, phenomenally
Phenomenal woman, that’s me.”

President Judge Ford Elliott, you are a woman, phenomenally.
Phenomenal woman, that’s you.

God bless you and congratulations.

PRESIDENT JUDGE EMERITUS DEL SOLE: Thank you, Judge Clark.

I noted in your presentation you mentioned President Judge Ford Elliott’s name and say how much you love to hear that. No more than I.

Now I have the privilege of introducing a former colleague of ours, the first woman to serve on the Superior Court of Pennsylvania, the Honorable Phyllis W. Beck. Judge Beck.

JUDGE BECK: Colleagues and friends: When I try to think of a word or a phrase that would best characterize Kate Ford Elliott, what initially came to my mind were all professional phrases – outstanding jurist, advocate for judicial independence, searcher for excellence, explorer for the future of the courts. But to my mind all those phrases, while they’re part of Kate’s biography, none of them captured the essence of Kate. The word I most comfortably associate with Kate and the one that captures her essence is “Family.”

Kate has two families, one biological and the other judicial. In both she has suffered ups and downs, and in both she has learned, she has taught, and she has been a star.

Kate comes from a Pittsburgh family of seven children. Her father, a dentist, died in 1965. Her mother Loretta, like Kate, took the situation in hand and as a freelancer became the first food stylist in Pittsburgh. She raised the kids to care about one another, to care about their community, to care about their country, and to care about the world. And for each of them to do something meaningful in life.

Loretta's batting average, I must say, is a thousand. One of Kate's important heroes is her mother. And another, by the way is her mother-in-law. Mary O'Laughlin Elliott, who was amongst the first women graduates of Duquesne Law School.

As you heard, Kate went to the University of Pittsburgh, initially went into education, and ultimately followed in her mother-in-law's footsteps and went to Duquesne Law School. She married another lawyer, someone we all have come to know and admire, Frederick Elliott.

The pride of the union is Lock. Born 20 years ago today, March 10, 1986. Happy birthday, Lock. When one talked to Kate during Lock's teenage years, there was another scary story—well, hair-raising is more like it—revolving around Lock and the car. Since it's Lock's birthday, I am going to give him a pass and won't tell any of those stories.

Kate and Fred now worry about Lock long distance. He is a freshman at Boston College. Lock is their pride and joy and, as they say, their greatest accomplishment. For purposes of this biography, the chapter on Kate's biological family ends here.

Now we begin the chapter on Kate's other family, a judicial family. Shortly after being graduated from Duquesne, Kate joined the Superior Court as you heard, first working for Judge Montgomery and later for Judge Cercone. Superior Court was founded in 1895. That's more than 100 years ago. And until I interrupted the pattern in 1981, it was an all-male preserve.

Seven men served on the Court from its beginning. When the Court was expanded to 15 members, it began hearing cases in panels of three instead of all seven judges sitting on all cases. To be certain that one panel did not conflict with another, the Court invented the Central Legal Staff to review the decisions of each panel. Initially, Central Legal Staff, as you will remember, Kate, was headed by a

former Common Pleas Court Judge and a very small staff, including Kate.

Kate eventually became head of CLS. CLS is what Central Legal Staff is known as. Much of the agenda and most of the procedures that Kate laid down are followed today. In preparation for these remarks, I talked to many of Kate's colleagues that served with us on CLS. To a person they emphasized she was fair, she was principled, she was smart, and she executed her duties with great and good humor.

She also was extraordinarily conscientious. For example, when CLS was moving offices, she refused to let any of the work go forward without her approval. This put CLS in a bind because, before she could approve the move, she got the signal and went to the hospital to produce Lock. She didn't miss a beat. Within a day of Lock's appearance, her staff was in her hospital room, plans in hand, for Kate to okay them. Kate did okay the plan, and the move went forward.

After many years at CLS, Kate had bigger plans. She realized she was on the wrong side of the Bench and wanted to run for the Superior Court. She left CLS and joined a law firm in Pittsburgh, In 1989 she made a successful run, and in 1990 I had a girlfriend on the Bench. I was elated. Kate was the second woman elected to the court.

Kate was such an attractive candidate that the Democratic Party persuaded her twice to run for the Supreme Court. Isn't the Superior Court lucky that she remained with us and is now the leader of the Court? And as you have heard, the first woman to serve as chief of any appellate court in Pennsylvania.

Kate has served brilliantly as a judge, showing particular compassion for children, for the elderly, and for the injured. She has also served the wider community, and you heard about that already so I won't repeat any of her marvelous accomplishments, not only in Pennsylvania but throughout the country.

When you think of it, leading the Superior Court is a natural progression for Kate. She has devoted her professional life to the Superior Court. She has the essential qualities of a great leader. She is strong. She is principled but pragmatic. She is creative. She's a consensus builder. And she has enormous integrity. Most important,

she loves her judicial family, and her judicial family loves her.

These are the two chapters, one about Kate's biological family, the other about her judicial family, and they end my biography of Kate Ford Elliott, the new and wonderful President Judge of the Superior Court. Thank you.

PRESIDENT JUDGE EMERITUS DEL SOLE: Thank you, Judge Beck. I thank you for being here and participating today. And I just want to let you know from all of your former colleagues on the Superior Court, we miss you greatly. We wish you were with us.

Another first. I have the rare privilege and high honor to introduce the first woman lieutenant governor of Pennsylvania to read a proclamation, the Honorable Catherine Baker Knoll. Governor Knoll.

LIEUTENANT GOVERNOR KNOLL: Thank you. To Supreme Court Justice Cappy and all the other Supreme Court Justices who are here, to Superior Court Justices who have come all this way, and the Commonwealth Court Justices, and all of our own, our beloved Allegheny County Justices, Judges, thank you so much for being here for Kate.

It was real fast the way Justice Beck went through that. 1988 was a good year. It took a lot of patience from husbands. Fred, you were wonderful. Lock, you were wonderful. We got through it all. Traveling across the Commonwealth is not easy. It's a real experience, But it was fun. We were there, we did that. Lots of miles. That's all I can say. It's another experience of its own. And here I am again. So this is the 12th one. This is it. The finale.

But I can't tell you how excited I am to be here today. I have known Kate for many, many years. I regard her as a beloved friend. I've known Lock and Fred. And as I said, it takes a lot of patience and support and encouragement and understanding. And, believe me, they had it. And your family. They were there. I can say, that's what women depend on. They want all that encouragement. Because it's a long road.

Kate is a wise and dynamic woman who through her years in public service has set an example. An example first as a teacher, then as an advocate. And, most of all, as a jurist. She brings a wise range of professional and personal experience to the Bench and to the

position of President Judge. She will lead the Court well, of that I am certain.

So it is my honor to present Judge Kate Ford Elliott with a proclamation to mark this event. I am not going to read this whole text. We want to get going. But I will share with you the one quote I put in here from Albert Schweitzer who said:

“I don’t know what your destiny will be, but one thing I do know. The only ones among you who will be really happy are those who have sought and found how to serve.”

Judge Elliott, on behalf of the 12 million citizens of Pennsylvania, I thank you for your service to our Commonwealth, and I wish you all the best in your new position. We’re all very proud of you. God bless you.

PRESIDENT JUDGE EMERITUS DEL SOLE: Thank you, Governor Knoll. Rather than introduce the individual judges of the Superior Court, I think it’s sufficient to say that every judge of the Court is here today to share in this joyous moment with our new President Judge. We’re all here.

I’ve gone through the list of dignitaries that was supplied to me. But I recognize that quite frequently you will miss somebody who should be introduced. So anybody that feels they are important enough to be introduced, please stand up and we will try and remember who you are.

You’re next. You’re going to be introduced shortly, Lock.

I would like the Judges of the Court of Common Pleas of Allegheny County to please stand so that everyone can see who you are today. One of those that just stood will soon be serving with us, and we welcome Judge Colville to our ranks.

At this time I would like to invite Laughlin Elliott to the podium to present the Commission from the Governor commissioning President Judge Kate Ford Elliott. And I would point out that you are important enough to be introduced, Lock.

LAUGHLIN ELLIOTT: Thank you. Greetings.

“WHEREAS, a vacancy has occurred for the office of President Judge of the Superior Court; and WHEREAS, you are now serving by virtue of Commission for the Governor as a Judge of Superior Court; and WHEREAS, in accordance with Article V,

section 10(D) of the Constitution of the Commonwealth you were duly elected President Judge of the Superior Court by the Members of said Court on November 15, 2005:

“THEREFORE, know ye, that in conformity to the provisions of the Constitution and Laws of the said Commonwealth in such case made and provided, I do by these presents commission you to be President Judge of the Superior Court of the Commonwealth of Pennsylvania. You are, therefore, to have and to hold the said office, together with all the rights, powers, and emoluments thereunto belonging or by the law in any ways appertaining from January 9, 2006 until January 8, 2001, if you shall so long remain Judge of the Superior Court and behave yourself well.”

Signed by Edward G. Rendell, Governor of the Commonwealth of Pennsylvania.

PRESIDENT JUDGE EMERITUS DEL SOLE: Thank you, Lock. You did a great job. So you were worth introducing.

LAUGHLIN ELLIOTT: Thank you.

PRESIDENT JUDGE EMERITUS DEL SOLE: At this point we have words of advice on the schedule, but I am going to just reverse them a little bit and ask my predecessor, President Judge Emeritus Stephen J. McEwen, Jr., to speak first.

PRESIDENT JUDGE EMERITUS MCEWEN: Thank you, President Judge Emeritus Del Sole. Chief Justice Cappy, Justices Saylor, Baer, and Baldwin, Lieutenant Governor Catherine Baker Knoll, members of the – my colleagues at the Bar and the Bench of Pennsylvania, Fred, Lock, members of the Ford and the Elliott clans: What a joyous day it is for all of you.

How sage the observation that Harmony is intrinsic to the Universe... to Music... and to the Law. Yet though the harmony of motion in the universe can be measured, as can be the harmony of sound in music, the harmony of justice, like the quality of mercy, can be neither measured nor strained.

The harmony of justice can, however, be sensed... and appreciated. And Kate Ford Elliott, whose opinions reveal her a splendid composer, will now as President Judge be a conductor of the music of the law, able to present a soft, sensitive serenade or to summon a symphonic crescendo and, thereby, achieve a balance, a

concord, a consonance in the harmony to be sounded by our Court as it enhances the jurisprudence of the Commonwealth.

And so, Kate, in response to your gracious request for suggestions upon how to guide the Court during your tenure as conductor of this ensemble, may I rely upon Cole Porter for my advice:

[Singing]

Stay as nice as you are,
Don't let a thing
Ever change you.

Stay as nice as you are,
Don't let a soul
Rearrange you.

Stay as sweet as you are,
Discreet as you are,
You're perfect, dear.

Stay as grand as you are,
But pray always stay
As nice as you are.

Kate, with gratitude to Cole Porter and apology to Nat "King" Cole, Congratulations!

PRESIDENT JUDGE EMERITUS DEL SOLE: Certainly my words of advice will not be as eloquent, nor could I render a tune as sweetly as Judge McEwen. Some of the things that I've learned in serving in this capacity: The first is that no problem is too small that it doesn't generate four or five phone calls. I think that Judge Ford Elliott and her staff are now realizing that. And I notice that my staff is smiling much more frequently since January.

Kate, you've served under seven President Judges, I think starting with Judge Jacobs. You've had the opportunity better than any of us to observe from each of those individuals what their strengths and what their weaknesses were. But I suggest that you not try and emulate any one of them.

I reiterate the words that Judge McEwen has said: Be who you

are. If you learned anything from anybody and you feel that it will work, that's fine. But be yourself. Do the jobs as you should do it, not as you think anybody else would have done it.

And if you do it that way, I have no doubt that the next five years of the Superior Court will be the greatest five years in its history. And so we thank you for your willingness to serve, and I am proud to be part of this proceeding.

Before I introduce our next speaker, I want to acknowledge, I believe that Judge John Brosky is in the audience, a former colleague of ours. He served with us. So, Judge, we thank you for being here.

As you will note, the next item on the schedule is the Administration of the Oath of Office by the Chief Justice. But the Chief has a few remarks that he would like to share with us before administering the oath. Chief.

CHIEF JUSTICE CAPPY: Thank you, Joe. You notice no one asks me for advice. So I won't give any, Kate.

This is a wonderful morning for promotions you might notice. Joe promoted Lieutenant Governor Catherine Baker Knoll, our good friend, Governor, Catherine promoted all the Judges in the room to Justice. Oh, if we could only work this out, folks.

Kate, I offer my personal congratulations to you, my personal condolences to Freddy. Fred, you will learn as Joe indicated last night that the day he ceased as being the President Judge of this fine Court, his phone stopped ringing. Well, that was the same day that Kate's phone started to ring. So for a few years you will have to learn to tolerate that.

And particularly my congratulations to Laughlin, as we know, "Lock." The whole family deserves credit for this fine day.

On behalf of the Supreme Court of Pennsylvania, my fine colleagues present and those who weren't able to attend this morning, may I again offer sincere congratulations and give you this commitment: That our Court will do everything possible to assist you at your request in order that you be able to maintain the status of this fine Court as one of the finest intermediate appellate courts in the United States of America.

We take great pride in that fact, and we are intent on supporting you and your judges to be able to maintain that status.

You have enormous shoes to fill, as you surely recognize. I sit here as the thorn between two roses, two exemplary former President Judges of this Court. But I have no doubt in my mind, as all assembled have no doubt, that you have the ability to not only fill those shoes but to exceed what they accomplished in their respective roles as President Judge.

Ladies and gentlemen, I have had the privilege of knowing Kate well at least since 18 – 1989. I'm old, but I'm not that old. And it has indeed been a privilege. We first got to know each other personally, I think, in 18 – 1989 when we campaigned for our respective positions on these Courts. It is through that arduous process that not only do you get to know the issues which are out there in society, but you get to know your campaign partners.

Joe Hudock, seated on my left, was one of those. You get to know them in a way that is different than knowing someone professionally or even in casual friendship. It's when you learn the metal of the person. And in 1989 I learned much about Kate. I learned of her commitment to her family and to the law. I learned that she was a decent person. She was smart. And she was dedicated. All of these attributes as I see it culminate this morning in her being elevated to this very important position as President Judge of the fine appellate court, Superior Court of Pennsylvania.

Kate, although these two roses on my right and left left their mark, you have a wonderful tradition to follow. And I can only wish you the very best, as I'm sure everyone else in this room does. So if you would come forward accompanied by your family, we will administer the Oath of Office.

Would you all rise, please.

Kate, if you would repeat after me. "I" and state your name.

JUDGE FORD ELLIOTT: I, Kate Ford Elliott.

CHIEF JUSTICE CAPPY: Do solemnly swear.

JUDGE FORD ELLIOTT: Do solemnly swear.

CHIEF JUSTICE CAPPY: That I will support, obey, and defend.

JUDGE FORD ELLIOTT: That I will support, obey, and defend.

CHIEF JUSTICE CAPPY: The Constitution of the United States.

JUDGE FORD ELLIOTT: The Constitution of the United States.

CHIEF JUSTICE CAPPY: As well as the Constitution of

Pennsylvania.

JUDGE FORD ELLIOTT: As well as the Constitution of Pennsylvania.

CHIEF JUSTICE CAPPY: And that I will discharge the duty of my office.

JUDGE FORD ELLIOTT: And that I will discharge the duties of my office.

CHIEF JUSTICE CAPPY: That being President Judge of the Superior Court.

JUDGE FORD ELLIOTT: That being President Judge of the Superior Court.

CHIEF JUSTICE CAPPY: With fidelity.

JUDGE FORD ELLIOTT: With fidelity.

CHIEF JUSTICE CAPPY: So help me God.

JUDGE FORD ELLIOTT: So help me God.

PRESIDENT JUDGE EMERITUS DEL SOLE:
Congratulations.

[Whereupon, President Judge Kate Ford Elliott is robed by her husband, Attorney Frederick Elliott.]

PRESIDENT JUDGE FORD ELLIOTT: What a wonderful day. Thank you, all of you, for being here, my friends, my colleagues, my family. I want to thank you, Chief Justice. I am honored that you are here today to administer my oath. I value both your leadership and your friendship for this last almost quarter century.

I thank Bill Carlucci and Judge Berkeley Clark for your kind words. The lawyers whom you represent here today have dedicated their professional lives to providing our citizens with the keys to the courthouse in order that they might exercise, protect, and defend their rights. This is a noble purpose indeed, and you honor me with your presence here today.

To Phyllis Beck, your friendship, example, and wisdom have been your gift to me for over 20 years, and I miss you very much on the Court. Thank you.

To my good friend Lieutenant Governor Catherine Baker Knoll who told me 16 years ago, "Always be called by all three names." You have once again made a very, very important occasion for

me all the more special by being here, and it's wonderful to have you.

I am so very pleased to have all of my brothers and sisters here with me today. It is not often anymore that Mary, Loretto, Michael, Libby, Katie, Tommy, and Rita are all in the same place at the same time, and also have our wonderful families here with us. I know our parents, Loretto and John Ford, the very heart and soul of this family, would be very pleased. They are gone now, but they are together again, and I know that they are watching over us and that they are very happy for me today.

Lock, you were great. And this is very different than when I was first sworn into the Court and at two years of age you had to be physically ejected from the courtroom. This is also probably the only time in your life that you will tell me to behave myself well. I love you very much.

To my husband Fred, who has shared his life with me over the last 25 years, I thank you for our life together, for your love, for your steadfastness, and for our son Lock.

Well, as you've all heard, I have been at the Superior Court a long time. Why, when I first came on the Bench, I was still a redhead. Heck, Joe Del Sole was still a brunette. And looking back on that time, there are two very special individuals, both gone now and both great judges who, because of their confidence and trust in a young lawyer, I have the opportunity to be here today. And they are President Judge Bill Cercone and Judge Harry Montgomery. I know that they will be watching me very, very carefully from above for the next few years and expecting me to give my very best effort. I miss them particularly today.

Now, before I go any further I want to extend my gratitude to our administrative staff for your dedication and service to this Court and to the people of Pennsylvania. You are great, and you will make my job I know so much easier. I especially need to recognize Michele Usilton, wherever she is in this room. She's the hardest-working person I've ever known, and our Deputy Court Administrator. For all of her efforts and hard work in putting this session together today, Michele, I say, "Thank you."

Thank you also to my wonderful staff, chamber staff who is here, to Jean, to Heather, to Damon, to Laura, to Ruth, and to Becky.

Without your hard work and commitment I wouldn't be ready for my service as President Judge.

And most particularly, I want to recognize my administrative assistant, Cynthia Barowich, who has taken on so much more with this new job and continues to handle everything so well with her intelligence, her competence, and her grade.

To all of my colleagues who are here with me, I thank you for your vote of confidence. Over the years I have watched how you have dedicated yourselves to the fair and efficient administration of justice for all the citizens of this Commonwealth. Your work ethic is unbelievable and has been nationally recognized twice over the last several years. I also know that through the next few years we will be handling much larger judicial caseloads, but each of you has already recommitted yourself to do all that is required to do justice without delay.

I have no illusions about the responsibility that is entrusted to me today. Over the quarter century I have been associated with this Court, I have seen the people's business shepherded by some outstanding President Judges. From Bill Cercone through to Judge Del Sole and, before him, Judge McEwen. To both of you, your words of wisdom I will take to heart; however, it is your leadership through example that I hold most valuable.

Over the past 10 years you have fostered a climate of collegiality, cooperation, and respect among the members of this Court, and that is really your greatest legacy to me today. I will have succeeded if at the end of my term I can hand over to my successor a Court as responsive and respected as the Superior Court is today. And, finally, to all the Judges in this room, particularly the Trial Judges. Because we work on the quiet side of government, it is not always easy for people to understand our efforts. The role of a Judge is to make very important decisions about other people's lives, and we do so one life at a time. And that important work can only be handled with absolute fairness, compassion, and good judgment. This is the fragile covenant that we have with the citizens of this great

Commonwealth and with those who step into courtrooms every day across the State.

It is my great privilege as President Judge to work with all of you in continuing to protect and preserve that covenant.

Now, in closing, on behalf of myself and the entire Court, I thank you all for being here today and for sharing in this wonderful occasion.

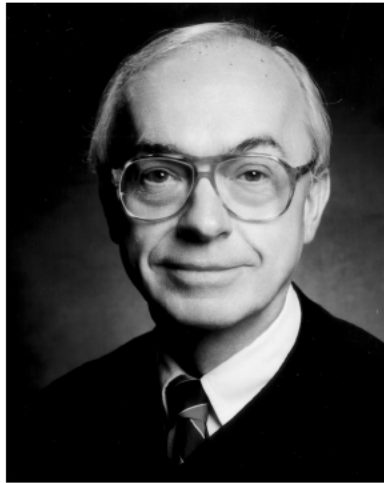
And now, Mr. Carey, would you please close this special session of the Superior Court of Pennsylvania.

Mr. Carey, before we close, there is a reception that is being sponsored gratefully by the Pennsylvania Bar Association and the Allegheny County Bar Association which will follow immediately at the William Penn Hotel.

COURT CRIER CAREY: This very special session of the Superior Court of Pennsylvania is now ADJOURNED.

[Whereupon, the proceedings were adjourned at 11:51 a.m.]

THE HONORABLE JOSEPH A. HUDOCK



*November 21, 1937 –
Assumed Office: December 29, 1989
County: Westmoreland*

INDUCTION CEREMONY

Greensburg, Pennsylvania
December 29, 1989

PROCEEDINGS

JUDGE CIRILLO: Good morning, ladies and gentlemen. I hope you can hear me. I'm filled up with a cold, and my voice is a little raspy, but I'll try to keep it up. It's a happy day for Westmoreland County, having one of its own judges sent to the Superior Court, and it's a happy day for the Superior Court to be getting a judge that President Judge Mihalich tells me is one of his good workers on his Court. Honor-wise, Westmoreland County is putting a judge in the Superior Court, which is, indeed, an honor. Superior Court is one of the finest Courts in the United States, one of the hardest working Courts. We handle over six thousand cases a year. Superior Court today, the end of this year, 1989, is carrying less than a month's

inventory of cases, because of the hard work of each of its members. The Superior Court was started in 1895, statutorily, reenacted Constitutionally in 1968, with a change of the Constitution of Pennsylvania, and is a proud Court, and soon we will be celebrating our hundredth anniversary, and I hope that Joe is with our Court at that time when we have our centennial.

Invocation will be done by William G. Connare, Bishop of Diocese of Greensburg, retired.

BISHOP CONNARE: All stand. Heavenly Father, teach us to remember that Christmas celebrates the coming of divine wisdom into this world two thousand years ago. It assures everyone of God's genuine interest in our daily affairs. It continues to encourage our response to the ever present holy spirit of the Father and the Son, who makes everyone wise with the wisdom of God. May the dear Lord continue to enlighten our friend and brother, Judge Hudock, who today assumes his post on the Superior Court of our Commonwealth. May the Lord shower him and his colleagues on the Bench and at the Bar with that wisdom which seeks the divine dimension of their every decision. Responding always in the spirit of that wisdom, may they faithfully fulfill their sworn duty to serve the needs and the interests of our beloved people. May this blessing rest upon all gathered here on this blessed occasion. May it come in the name of Jesus, the Lord.

JUDGE CIRILLO: Barbara Astrop Lumberger will be the vocal soloist who will sing America the Beautiful. (applause after the singing of America the Beautiful)

JUDGE CIRILLO: This special session of the Superior Court was convened solely Westmoreland County, solely for the purpose of having the induction of Joseph Hudock of the Superior Court. It's the first time the Superior Court will be sitting in Westmoreland County. Judge Hudock has asked me if in the future we couldn't have another special session where actual cases could be argued here, and because he has made the request, our colleague has made the request, we're going to accommodate him. Our judges have traveled a long way to come here. The State of Pennsylvania is represented geographically well, and several of our judges are sick, but those who are feeling well are present today. To my right is Judge John Brosky,

who will be going into Senior Judge status the first of the year. He is the Senior Judge of the Superior Court in Commission, and he's been a hard worker, and he's decided to remain with us and serve as a Senior Judge, carrying a full load of cases from January 1st on. To my left is Judge James Rowley, from Beaver County, and he's a stalwart member of our Court and a worker, as they all are. I won't keep repeating it, but when you realize that each one of our judges writes between 200 and 300 opinions a year, you realize that's almost one a day for every working day, and your judges can attest that they are full opinions, even when they are a memorandum of opinions. This is a brilliant group of judges and hard working judges, and I'm glad that Judge Mihalich tells me that we're getting another great addition to our Court. Seated directly in front of me is Judge Wieand. He's from Lehigh County, and to his left is Judge McEwen. And to Judge Wieand's right is Judge Joseph Del Sole. Judge McEwen, I neglected to tell you, is from Delaware County. And Judge Del Sole is from Allegheny County. To Judge McEwen's left is Judge Phyllis Beck, the first female of the Superior Court, and she's from Montgomery County. And to Judge Del Sole's right is Judge Patrick Tamilia. He's from Allegheny County. To Judge Beck's left is Judge Justin Johnson from Allegheny County, and to Judge Tamilia's right is the newest addition to the Court as of yesterday, Judge Kate Ford Elliott, from Allegheny County, the former Chief Staff Attorney of the Superior Court of Pennsylvania. We have present with us several senior judges, Judge Sydney Hoffman, who is to the left of Judge Justin Johnson. I don't see Judge Montgomery. The Commonwealth Court has several members present here. Emil Narick, of the Commonwealth Court, he's from Allegheny County. And Sam Rodgers from Washington County. President Judge of Westmoreland County, Gilfert M. Mihalich will make some introductions and a few remarks.

JUDGE MIHALICH: Your Excellency, Bishop Connare, President Judge Vincent Cirillo, members of the Superior Court of Pennsylvania, you honor us by your presence. Other judicial representatives of Appellate Courts, my colleagues of the Court of Common Pleas, members of the Bar of Westmoreland County and the Commonwealth of Pennsylvania, public officials from Westmoreland County and other counties, our honoree, Joseph

Hudock, and his lovely family, ladies and gentlemen, I am honored to have been asked to speak at this historic occasion. Our honoree, Judge Hudock, is a humble person, and on many occasions, he has asked me to be brief. Is this possible? (*laughter*) Is this possible when you consider the man about whom we speak? Is this possible when you realize that this is a historic occasion in the judicial history of Westmoreland County? These induction ceremonies for Judge Joseph A. Hudock of Judge of the Superior Court of the Commonwealth of Pennsylvania will always remain as a part of our judicial history, embedded on these walls of justice. These walls of this beautiful Courtroom have recorded many interesting stories in the legal and judicial history of Westmoreland County. If they could only reveal to us those interesting tales of great lawyers, of great judges, and of great trials. If you ever walk through these halls of justice at night when the lights are down dim, you will hear a whispering historical wind, with an occasional banging of a gavel. What we do here today will be a whispering tale of the judicial history that will resound through these halls of justice as long as justice abides in this Courthouse. In days yet to come, judges and attorneys and citizens shall recall a time when freedom was exploding throughout the world, and they shall tell of a time when the Superior Court of Pennsylvania, for the first time in history, convened in the Westmoreland County Courthouse. And most of all, they will tell, they will tell the story of a Judge of the Court of Common Pleas of Westmoreland County and his elevation to the Superior Court of Pennsylvania. This, also, is a first in the recorded history of Westmoreland County. Henceforth, these halls of justice will echo the judicial accomplishments and the humorous stories of Judge Joseph A. Hudock. The whispering historical winds of judicial history will also tell of the joy that we now have here in our hearts. It will also tell of the sorrow, sadness, because we lost an outstanding jurist on the Court of Common Pleas of Westmoreland County. Happiness, because the Superior Court of Pennsylvania and justice shall be enriched by Judge Joseph A. Hudock's judicial talents, his human understanding, and yes, his humor.

In closing, allow me to introduce your Common Pleas colleagues. We all wish you well. We pray that you have a successful tenure and a long tenure as an Appellate Court Judge. We pray that

you and yours will be blessed with health and happiness, and above all, we pray that you will maintain your sense of humor. And as I introduce the colleagues, will they please stand and remain standing. We have Senior Judge Richard McCormick, will you please stand. Judge Charles H. Loughran, Judge Charles E. Marker, Judge Daniel J. Ackerman, Judge Bernard F. Scherer, Judge Donetta W. Ambrose, Judge John E. Blahovec, Judge Gary P. Caruso. Thank you. Please be seated. I would like to acknowledge that we have many of our public officials here, but they are scattered throughout the Courtroom, and I can't recognize them all, but we appreciate your presence. And Joe, my friend, good luck and God bless. (Judge Mihalich and Judge Hudock shook hands;) (*applause*)

JUDGE CIRILLO: The Court will now recognize Attorney Richard H. Galloway, president-elect of the Westmoreland County Bar Association.

MR. GALLOWAY: If it please the Court, honored guests, ladies and gentlemen, the members of the Bar of Westmoreland County are often pleased when visiting in other counties to hear lawyers from those other counties express respect for our Bench and envy for those of us who regularly practice before it. Thus, we feel a sense of distress and loss when one of our constituent parts of that Bench is taken from us. In this instance, however, that feeling is assuaged by the reassurance we receive from knowing that the reason for our parochial loss is the larger gain of the citizens of the Commonwealth of Pennsylvania. The Superior Court, as has been pointed out, is one which demands a strong work ethic from its members, because of its ever increasing case load and ever more complex matters. For such responsibilities, I suggest that Judge Hudock is ideally suited. He is scholarly and diligent, patient and understanding of counsel, and willing to take a strong and reasoned position on cases.

Because of these qualities of Judge Hudock, we, in Westmoreland County, were gratified to see him elected to this position of high public trust and honor, for better than most, we know the level of public service that he has exhibited in his judicial career.

It is said that the apple does not fall far from the tree, and it is easy to find precedence for Judge Hudock's public service, in the

life of his late father, who served long and ably as a career Pennsylvania State Police Officer. So, at the risk of being presumptuous, we commend into the service of the Superior Court and the citizens of Pennsylvania, Judge Joseph Hudock, a jurist of whom we are proud and whom we will surely miss.

I note that this spring at our annual Bench-Bar Conference, I sang a song about Judge Hudock. I have since been requested by an ever-widening group of friends and acquaintances to not sing that song, or really any song (*laughter*) in public again, but I would be remiss if I did not recite the concluding lines of that little ditty. It went something like, now we'll have glory and recognition when Joe wins victory in the fall, and we'll appeal with no contrition every judgment, large and small. (*laughter*) As the song recites, we do, indeed, find glory in the election of our friend and colleague to this position, and in order to further enjoy his scholarship and far more importantly, his fellowship, we avow, Your Honors, to take those appeals on judgments large and small. (*laughter*) Judge Hudock, on behalf of your brothers and sisters of the Westmoreland Bar, congratulations, and Godspeed in this endeavor. (Mr. Galloway and Judge Hudock shook hands; *applause*)

MR. GALLOWAY: At this time, I would like to introduce the Honorable John Driscoll, District Attorney of Westmoreland County.

MR. DRISCOLL: May it please the Court, Reverend Fathers, colleagues, guests, members of Judge Hudock's family, members of the Westmoreland County Bench, citizens, this is really a happy occasion. It's a happy occasion for the Hudock family. It's a happy occasion for Joe, and it's a happy occasion for all of us who have shared over the years in the work that Joe has done. It is, also, somewhat of a sad occasion, in that we lose a valued colleague and a wonderful friend.

Joe tends to think that he is taking this oath this morning as the result of an exhaustive 6 or 7 week, what was it, 6 or 7 week campaign. I tend to think of—Joe thinks the campaign was long and hard, and with Judge Kate Ford Elliott here, I think we can see what a long and hard campaign really is. (*laughter*) There were some differences in the campaigns, but we know that Joe Hudock's

campaign for this Bench began several years ago. It began with his Benedictine education at St. Vincent. It began with the upbringing of wonderful parents. It began with the support of his community, and of his family, and of his brothers and sisters, and all of his friends. And over the years, he has come to be an accomplished and a recognized lawyer, and jurist. I remember when I first came to Greensburg, having left the navy in 1970, Joe had gotten out of the navy in about 1967 or '68 and we found ourselves in the same office, a general practice office with a heavy emphasis on litigation. I can remember all of the civil work that Joe did, generally on the defense side, and I can remember us computing our hours and our fee, and our checks, and wondering where we would be this time next year, and wondering about case loads, and et cetera, et cetera, as young lawyers do.

And I can remember many, many afternoon cups of coffee at 3:30 or 4 o'clock in the afternoon, at Lee's Restaurant, as Joe and I would discuss subjects such as joint tortfeasor releases and the upcoming trial list and so forth, that seem perhaps somewhat mundane at this point, but at that point, they were subjects of life and death. And as Joe finished his work at what was then Pershing, Hudock and Leslie, later to be Pershing, Hudock and Driscoll, he became quite an accomplished defense lawyer, and I believe his last 3 or 4 jury verdicts were all defense verdicts in the work that he did, and the work that he did was just superb.

I know that then he practiced with Henry Waltz for a few years and Bob Milie, and during that period of time, and during the period that he and I were back together again in 1977, Joe took on real estate title search work for West Penn Power Company, and to this day, he lives in utter fear that he's got some title problem out there floating around. (*laughter*) and I remember him finishing up these title files, and they were always about 1 to 2 inches thick, and I said, my God, Joe, I said, what are you doing? And he said, well, this is for West Penn Power, and you've got to have everything, you've got to have all photocopies of documents. And I said, how much are you getting paid? Well, for each one I get \$75.00, and they are taking him a week or a week and a half to do these titles for \$75.00, but he lives in fear to this day that there's something missing, and I know it's strictly a

coincidence that here with us this morning is Vice-President and General Counsel of Allegheny Power Systems, Tom Henderson.

(Laughter)

Then moving on to 1977, when we practiced together in the Coulter Building, and just as the defense cases kept him alive, for several years, Plaintiff's work came along at the right time. He was in the middle of a judicial campaign in 1977, and we were paying office overhead. To this day, I claim that I paid more than he did, and he claims that he paid more than I did. We were sharing office overhead, and around July or August of that year, we were getting into the fall campaign, the spring campaign was very difficult. He took a lot of time out of the office, and it was the same in the fall campaign. I can remember that—his children might never have realized this—but there was a time when Joe was really worried about his finances, and along came a—the biggest personal injury settlement that he ever got. It just came just at the right time, and I often thought that it was his mother's rosaries out there *(laughter)* that were somehow delivering the bread just at the right time. And then, of course, he was elected and took office in 1978, and since that time, we have all enjoyed his company, his presence, his scholarship and his work, and it is very much a loss to our Bench.

I can only say that for my part, each and every year, I get a Christmas present from His Honor, and I was—my wife prevented me from bringing this year's present to show all of you, but when I got the present and opened the box, all I could think of were those coffee sessions we had at Lee's restaurant 15 years ago, because Joe sent me a yellow and brown and blue and white necktie that was about 6 inches wide, and as he said, it's a hundred percent, and on the back of the label it was one hundred percent polyester. *(laughter)* And what shocked me when I got this wonderful Christmas gift was that Joe used to wear that tie. *(laughter)* I think that was his duty tie for many years, as we had coffee up at Lee's Restaurant.

So, it is certainly with mixed emotions that all of us, Judge Hudock, say, good luck to you and your work on the Appellate Bench. We expect great things from you, and I might also add, this may not be the time to say this, but Judge Hudock has made a virtual political career out of running on the theme that it's about time we

had some good judges on that Court. (*laughter*) So, here we are we can put him to work. I'd like to introduce—

JUDGE CIRILLO: Wait until he sees what we've got for him.

MR. DRISCOLL: I think he's got himself into something he's not aware of here.

I would like to introduce Joe's family. Joe has an absolutely wonderful family. Dick Galloway made an allusion to Joe's wonderful father, who died in the middle 1970's. I think it was 1974. Joe's father rose to the rank of major in the Pennsylvania State Police, in kind of a subliminal way. He's always been Joe's model. He was a very hard worker, very dedicated and known for his ethics and his principles. Also, with Joe.

I'll first introduce Father Gilbert Burke, who is a Benedictine, who is pastor at Ascension Church in Jeanette. (I'm used to going to Ascension for the spaghetti dinners) Sacred Heart in Jeanette, and who's Joe's cousin. And Joe's brother, John Hudock and his wife Joanne. I think what I'll do is just ask you all to stand. You don't have to applaud. Joanne, would you mind just standing briefly, and John. Thank you. And I would like to introduce—well no one wants to—none of Joe's family wants to stand, I can see that, so I'll just introduce them. Joe's sister Martha and her husband Jim. Joe's sister Mary McCloskey and her wonderful husband, Tom, who has been Joe's tipstaff for several years, and all of the lawyers know Tom. He's got the same wit, very much, that His Honor does. And Joe's—you know, Joe has gone through this wonderful career, but all this time that he has, he's always had a mother up here on the hill in East Greensburg, who was always concerned about whether his scarf is tied, he's got a scarf, and whether he's wearing his boots, and how he is, and she has been a wonderful supporter of Joe and a wonderful example to Joe over the years, and I think it's only right, I know you don't want to do this, Mrs. Hudock, but would you just stand up, please. (*applause*) Joe's mother.

Joe's success is not based on his own skills, as much as on his mother's rosary, I think. (*laughter*) And his immediate family, he has 4 wonderful children, his oldest daughter, Ann, is—she attends the University of Dayton, and she had to return to school, I think by way of Florida, I'm not sure, but she had—she's not here today. And Joe

has, Joe's oldest child is also Joseph Hudock, and this young man drives Joe to distraction, because though he graduated with honors from Georgetown, much farther ahead than his father already, though his father had the benefit of a Saint Vincent education, graduated with Honors from Georgetown, is attending the University of Pittsburgh Law School. Joe cannot understand why his son does not brief all of his cases, but his son is perhaps much more capable than his father, (*laughter*) his son, Joe Hudock. And a senior in high school, his second son, who is wonderful young man, who has a great future ahead of him, his son Dan Hudock. And an individual who's been a tremendous support of Joe's over the years, his wife Rita. And lastly, Joe's beautiful daughter, Mary Hudock, who is in 4th grade.

It is now my duty to turn the podium over to Peter Vaira. Pete is a law school classmate of Joe's. Pete is a Fellow in the American College of Trial Lawyers. He is the past head of the Chicago Organized Crime Strike Force. I should interject at this point that he worked on the Jimmy Hoffa case. It's not indicative of Pete's other successes, but he then became United States Attorney in the Eastern District of Pennsylvania in Philadelphia. He is a partner in the firm of Fox, Rothschild, O'Brien and Frankel in Philadelphia, an associate of which is—there are two associates from this area in that firm, Brian Browdie, who is from Greensburg, many of you know, his father's Dr. Browdie, and Jim Mandarino's daughter, Kathy, I believe. Kathy Mandarino. It's a pleasure to present Pete Vaira.

MR. VAIRA: Thank you, John, I think. May it please the Court, with the Court's permission, I will extrapolate and read a brief passage from a letter from John Murray, President of Duquesne University. Joe and I used to call him Professor Murray who taught us contracts. I'll extrapolate from it with your permission.

"I am particularly pleased you will serve in this role on the Superior Court. From your student days, and throughout your career, you have manifested the highest level of creativity, and industriousness and integrity. When I think of you, I am reminded of the statement of Edmund Burke concerning American lawyers and judges. In the grand tradition, they are filled with resourcefulness, and they sniff tyranny in any tainted breeze. On behalf of Duquesne University, may the Lord hold you in the hollow of his hand."

Professor Murray. If I could make this part of the Record.

JUDGE CIRILLO: It will be made part of the Record.

MR. VAIRA: Ladies and gentlemen, I come from the eastern part of the state, but I'm from here originally, from Allegheny County, as you know, there's some difference in the, let's say philosophical attitudes of the east toward the west. On election night, I told my colleagues in my law firm, big law firm, a hundred and twenty, a hundred and thirty lawyers, I told my colleagues I was going to call the candidate, and they said, "where is he, and I said, well, he's at his campaign party at the Elk's Club in Greensburg. Well, you can imagine what the remarks were about that. (*laughter*) I told them today I was coming here to a swearing in, and it was going to be held in Greensburg, in the Courthouse. There were a lot of remarks about how are you going to get all those fellows around the potbellied stove. The pictures they have back in Philly of what's going on out here, corn is growing, it's hard to imagine.

And that will go on forever. But Judge Hudock, I think, will dispel all those rumors, despite rumors of the east. Judge Hudock takes the Bench at a time when just about everybody blames everything that is happening in this society on the Courts. Everyone blames the Courts. There are liberals out there who claim that people are thrown in jail, no rights, search warrants are issued without probable cause, and no one's getting their fair shake. Conservatives believe that most of the judges are lily-livered, they are turning everybody loose, the problem with the drug problem is that judges, if they only got tough, that would end this nonsense. Those are the conservatives. The Legislators, every time there's an election, say that the judges have to have a longer, longer statutes of limitations, and there should be more maximum punishments. They're going to throw people in jail. Conservatives want to hang everybody from a tree. That will do it. The past president of the United States thought that the trouble with our judicial system is that judges didn't have the right philosophy, they didn't have the right judicial philosophy, and spent 8 years talking about that. When, as the judges here know that most of the time the questions in the cases that face them is did the Plaintiff make out a case, or are we going to cut this Defendant a break. That's the judicial philosophy that most of the time you have to see.

Editorial writers think the problem with the Courts is that most of the judges are selected in some smoky back room of a saloon. The Philadelphia Enquirer, this last election, said they were surprised that 4 good persons were actually running for the Superior Court, because they came from a system that the Philadelphia Enquirer thought ought to be abolished. Keep in mind, the Philadelphia Enquirer is in the county of Philadelphia, so some of that may be true. The Federal Courts are no different. The Federal Courts now are trying to dump all of their load back on the state Courts, because some of those cases are just getting too messy to try. Everybody's blaming it all on the Courts. And it's really not going to change. It's really not going to change very much. In a couple of years, this President of the United States will appoint 1 or 2 justices of the Supreme Court, and you can bet there will be a lot of carrying on about who has the judicial philosophy, and where should they go, and what—how is this person prepared. There will be a lot of publicity about that. And then, ladies and gentlemen, the next day, the next day, this Court, this Court, has to come back to do the real business of the United States. They have to hear the real business of the Courts, and it won't make a lot of difference about who gets on the Supreme Court of the United States.

The point of my discourse is this. For most of the people of the United States, in states like this, this is the Supreme Court. This is the Supreme Court. This is where the business of the United States is decided. And as you know, it's not on judicial philosophy. It's on, did the Plaintiff make a case, and can we cut this guy a break. And the amazing thing is that they have to decide, in spite all the folderol about the Legislature, and the writers, about how good or how bad it is, these ladies and gentlemen here have to decide. They have to make a decision, and they do. I'm saying this, the business of the United States is decided at this Court.

What better person to join this Court than Judge Hudock. The litigators out there, persons who have causes before the Court, aren't concerned with judicial philosophy. Their real concern is will he get a fair shake with this guy. Will he get a fair shake with Judge Hudock? Judge Hudock graduated from Duquesne University. It seems to me we don't produce many law professors, but we produce an awful lot of

judges, an awful lot of public officials, an awful lot of good ones. Judge Hudock was in the navy, an officer in the navy. Don't find that much anymore, not that I want to be overly patriotic, but it's nice to see somebody served in the military and is still proud of it. He was a private practitioner, general practitioner. Talk about a dying breed. It's good to see that somebody actually practiced law and actually had clients. Most important, he was a trial judge. Judge Hudock was a trial judge for 12 years. He heard the business of the United States. I think that you will find that we, the litigators, will be very happy to know that you bet, we're going to get a fair shake. And after we all go home and tomorrow, and I'll go back to Philadelphia, and you'll go home, Judge Hudock and these other hard working men and women will go do the business of the United States. And we will get a fair shake.

As John Murray said, Judge Hudock, may God hold you in the hollow of His hand. It's been a pleasure for me to come and wish you well, and to wish you well. Good morning. (*applause*)

MR. DRISCOLL: It is now my pleasure to bring forward Judge Hudock's daughter, Mary, for the purpose of reading the commission. Mary?

MARY HUDOCK: Commonwealth of Pennsylvania, Governor's Office, Joseph A. Hudock, of the County of Westmoreland in the Commonwealth of Pennsylvania. Greetings: Whereas, it appears by the certificates and returns made according to law, of the election held on the seventh day of November, Anno Domini, one thousand nine hundred and eighty-nine, you have been elected Judge of the Superior Court of Pennsylvania.

Therefore, Know Ye, that in conformity to the provisions of the Constitution and Laws of the said Commonwealth, in such case made and provided, I do by these presents commission you to be Judge of the Superior Court of Pennsylvania, First Priority of Commission. To have and to hold the said office, together with all the rights, powers and emoluments thereunto belonging or by law in anywise appertaining for the term of ten years to be computed from the first Monday of January, Anno Domini, one thousand nine hundred and ninety, if you shall so long behave yourself well.

Given under my hand and the Great Seal of this State, at the City of Harrisburg, this twenty-first day of December, Anno Domini,

one thousand nine hundred and eight-nine and of the Commonwealth, the two hundred and fourteenth.

Robert P. Casey, Governor, By the Governor, Christopher A. Lewis, Secretary of the Commonwealth. (after Mary read the Commission, Judge Hudock kissed his daughter; *applause*)

JUDGE CIRILLO: Wasn't that wonderful? The Court will again recognize President Judge Gilfert M. Mihalich, for the purpose of administering the oath of office to Judge Joseph Hudock.

JUDGE MIHALICH: Judge Hudock, are you ready to assume the oath of office as the Judge of the Superior Court of Pennsylvania?

Will you raise your right hand and place your left hand on the bible and please repeat after me.

(Judge Hudock, in receiving the oath, stated as follows:)

JUDGE HUDOCK: I, Joseph Hudock, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth., and that I will discharge the duties of my office with fidelity.

JUDGE MIHALICH: Congratulations. (*applause*) (Judge Hudock kissed his wife, Rita; *applause*, standing ovation)

JUDGE CIRILLO: Court now recognizes the newest member, Judge Joseph Hudock.

JUDGE HUDOCK: Thank you Judge Cirillo, Your Excellency, Bishop Connare, Archabbot Paul, Archabbot Egbert, I didn't see you, I'm happy you're here, Father. My cousin, Father Gilbert, Dr. Rutter, my old friend, dignitaries, officials, ladies and gentlemen, you know, it's been said, but I'll say it again, this is a very historic occasion in the history of Westmoreland County. This is the first time that Dick Galloway and John Driscoll have been on time for one of my Court proceedings in 12 years. (*laughter*) Pete Vaira's never been before me, but I'm sure his record's a bit better.

You know, as I listen to these wonderful remarks and very kind remarks by John Driscoll and Dick Galloway and Pete Vaira, I was reminded of a story, and the story involves Henry Mahady, one of our beloved members of the Bar who passed away this year. Those who know Henry don't need me to describe him, but for those who don't, let me tell you something about Henry. Henry was one of the senior members of our Bar, a big handsome, robust Irishman, fine lawyer,

family man, civic leader, but the thing that distinguished Henry in my mind was his delightful loveable sense of humor. Henry had a capacity to come into the snack bar at the Courthouse where the lawyers gather between trials and commiserate about losing a case, or worrying about a title search—Tom Henderson, where are you, you're not really here to check on my title searches are you? (*laughter*) But, in any event, Henry had the capacity to come in and tell a joke. If you were feeling down, he had a quip to say, something funny to say that picked you up and made you put things in perspective and realize where you are and what's really important. He had a delightful sense of humor.

Now, this is a story Dan Ackerman, Judge Ackerman, tells about Henry. Dan Ackerman, when he was still practicing law, and Henry were appointed, Court-Appointed, to represent two miscreants who had committed some crime or other, I think it was burglary. Not only was their Defense pathetic, but they looked pathetic. (*laughter*) And Henry and Dan were doing the best they could on this case, and the Prosecutors started worrying that perhaps there was being sympathy engendered for these individuals, so he set out, and he was a bombastic fellow himself, and in his closing argument, he waxed eloquent about the fine qualities of Henry Mahady and Dan Ackerman, so much so that you'd think these fellows were Clarence Darrow and F. Lee Bailey, the finest lawyers ever to walk the halls of the Westmoreland County Courthouse, and on and on and on. In the midst of all this, Henry turned to Dan, and they were both down at the counsel table, and Henry leaned over to Dan and he said, "you know, he never says that about me down at the snack bar." (*laughter*)

And that's my thought this morning. (*laughter*) I never heard Dick Galloway or John Driscoll or Peter Vaira say any of those things down at the snack bar. (*laughter*) But it is a historic occasion, and it's a proud moment in the history of this county, and I'm very appreciative of the time and trouble that all the members of the Superior Court took to be here this morning. As you know, we had to rearrange the schedule a little bit. They were very accommodating, as was Judge Narick, Judge Rodgers, and I'm happy to have all of them here.

This County has had a long and proud legal tradition. On the wall, you see the portrait of General Arthur St. Clair, also up in one of the frescos up above. General St. Clair was a hero in the Revolution. He lived in Westmoreland County. He was the first Prothonotary of Westmoreland County and the first Governor of the Northwest Territories, and like every good public official, he died penniless and bankrupt. *(laughter)* We also had a Supreme Court Justice, the late Justice Lou Manderino, of whom we were all very proud. Also, just a few miles from here, and I'd love to take you all there but you're busy and have to go back to your homes, I'd love to show you all of Westmoreland County, but a few miles from here is the reconstructed tavern of Robert Hanna, in which the first Court, the first English Court west of the Allegheny Mountains was held. Court was held at Robert Hanna's tavern and then later moved to Greensburg. So we do have a long and proud tradition, and I think that the Superior Court coming here today honors not only me, but all of us, the Bench, the Bar, and the citizens of Westmoreland County and I'm very proud and happy that they are all here.

Now, there are so many people who have helped me in so many ways in this room, that if I started naming all of them, there's always a danger of missing someone, and I'll try to be very cautious, but there are some people I do want to single out who have meant a lot to me in my lifetime. Of course, you've met my family, my mother and my brother and sisters, my wife, my children, other than Ann, who's going back to the University of Dayton by way of the Bahamas. *(laughter)* That has been my secret weapon, not only in this campaign, but the campaign 2 years ago, and 12 years ago, and in my entire life, for that matter, the help and support of my family. My mother, who had her headquarters in East Greensburg, was on the phone, called all over the state, all her relatives, and she's got a lot of relatives, and Judge Cirillo, I'm sure if you talk to her for awhile later, you'll find that you have some relative in common also. *(laughter)* But she called all over the State of Pennsylvania, and roused people up in Schuylkill County, Wilkes Barre, Scranton, Pittsburgh, Erie, all over the state. My sister, who is in California and couldn't be here today, mailed in political propaganda to all her friends in Pennsylvania. I'm sure they are surprised to see that. My wife, everywhere she traveled wore a

button and passed out brochures, to the point where my children were embarrassed to go grocery shopping with her. (*laughter*) My sister has been my campaign treasurer, and to the best of our knowledge, has not stolen one penny yet. My brother had his home computer operating sending letters everywhere.

It was a real family effort, and there are many other people in this room who have done so much. My classmates from Duquesne Law School. We only had 19 graduates; we didn't have quantity, we had quality. I'd like to think. Four of them are on the west coast. The others have maintained a thick bond. We get together every year, at least once, and they were there, the first ones there in this campaign, they raised money, they did all kinds of things. They were extremely supportive, and a lot of them are here today, I'm very happy to see.

Going back a bit further, I'm very happy to see Archabbot Egbert, retired Archabbot Egbert, Archabbot Paul and Father John Murtha. Father John is the President of Saint Vincent College, my alma mater, located about 8 miles from here. The Archabbots, of course, are the, are and were the heads of the Benedictine community out there. I spent 8 years there in prep school and college, and they were wonderful years. I learned a lot in prep school about justice, the speedy dispensation of justice, from Archabbot Egbert, who was my headmaster. If you were so unlucky as to be thrown out of class—unfortunately, it happened a few times, not to me always—you had to return then to Archabbot Egbert. There was no right to counsel, there were no Miranda warnings, but in a speedy fashion, you were dispatched usually to “jug” on Saturday mornings, where you would write such things a thousand times as “I will not throw spitballs in class.” But the kindness and the compassion that Father Egbert showed in doing this is something that left a deep impression on me. Archabbot Paul is head of the Benedictine Order out there, and Father John, as I say, is now the President of the College. And I would like to say publicly, Judge Cirillo, that they learned me good. (*laughter*) They were a bit weak on English grammar, but the rest was okay.

Now, I want to say another thing about Father John. I'll just alert you, Father John is in the middle of an 11 million dollar, I think it is, capital fundraising campaign. I see also Dodo Canterna here, who happens to be related to Judge Cirillo. Dodo was the basketball

coach, athletic director now, the alumni office. Both of them are embarking and working on this 11 million dollar fundraising campaign, so I simply alert you at the reception later, if they thrust a card in front of you, read it carefully please before you sign it. *(laughter)*

Bishop Connare is actually the second bishop of Greensburg. The first gentleman was a saintly man from Philadelphia, Bishop Lamb, and he started the Diocese. I'm not sure of the history, but I think what happened, I think we seceded from the Pittsburgh Diocese. I'm not sure of the history of that, but Bishop Lamb broke the ground and laid some of the groundwork. Unfortunately, he did not live to fulfill his dreams, and Bishop Connare has been the Bishop of Greensburg for I believe 25 years, until a few years ago when Bishop Bosco, who, again, could not be here this morning, took over. Bishop Connare fulfilled much of the task of building the schools, building the hospitals, building old age homes and making this a thriving center for Catholicism.

My other good friend, Dr. Rutter, I have to call him Doctor, Dr. Rutter now. He has a Doctorate of Divinity degree which he earned the hard way in the classrooms and in a theological environment, and then the other degree he earned was a much harder one. He earned it in the field of human nature, compassion, kindness, understanding. Dr. Rutter is one of the moving forces in this community, and has been so for so many years. He is at the forefront of every charitable drive, whether it be United Way, Salvation Army, or whatever, whether it be bringing labor and management together when they have problems, Chamber of Commerce, et cetera, and a few years back, he was awarded an Honorary Doctorate Degree from Seton Hill College, which is also my wife's alma mater, located right here in Greensburg. Is Joanne Boyle here? Joanne Boyle, the President, I had asked, and she could not make it.

These are just some of the people who have influenced me, have made me what I am, whatever that is, and I hope that as we go on to the Superior Court, that you will find me, hopefully, will find me as a hard working member.

I'm a bit sad to leave our Bench. This was my Courtroom, still is for 3 more days, I think Judge Mihalich. As you can see, in my

opinion, one of the most beautiful Courtrooms in the State of Pennsylvania, and I'm a bit sorry to leave that, and I'm a bit sorry to leave my brothers and one sister on our local Bench. My one sister on the local Bench, Judge Ambrose, was very kind when she came on to the Bench about 8 years ago. She took me under her wing and determined to personally, take my ideas about women out of the 13th century and bring them up to date. I get weekly lectures from her, and I'm sure she's convinced that my ideas on women and women's rights have now moved into the 18th century, and she tells me she's very happy that Judge Elliott and Judge Beck will be on the Superior Court to hopefully bring me into the 20th century. Thank you.

I'm thankful, there's so many people, I see John Yazach back there. John Yazach, I don't know his age, but people came back from Potter County, Venango County and they said, you must have an army up there. There are signs everywhere. There are bumper stickers, everybody up in Venango and Potter County's all excited. They are talking about you, and frankly, I've never been up there. My secret army is John Yazach sitting back there. Dedicated himself for months and months to all this activity.

John Scales, who people ask about all over the state when I go around the state, was the campaign manager, and John did a yeoman duty in all that he did. His father, A.C. Scales, most of you here locally know. A.C., just for example, sent out about eight thousand letters to every borough official, policeman, Chief of Police, Councilman, throughout this Commonwealth on my behalf.

Ned Nakles, who was, what we call the western region or Western Pennsylvania chairman, conducted fundraisers, did all that he could do, anything I asked him to do, and keep in mind that John Scales and Ned Nakles are two of the busiest, as well as the best trial lawyers in Pennsylvania.

The members of the Westmoreland County Bar were there, men and women, almost to a person. With financial support, sending letters to alumni of their law schools and their colleges. The help I got from the Westmoreland County Bar was phenomenal, and it was almost to an attorney. And I'm deeply appreciative of that, and that is why, one of the main reasons I wanted the Superior Court to come here to share this honor with the Bar and the Bench of this County.

Now, I've probably missed a lot of people. I see Paul Heyworth here. I thank-you for the nice editorial, Paul, in the Tribune, didn't do me any harm. (*laughter*) Wash Gjebre from the Post-Gazette spelled my name right every time he wrote an article about me. (*laughter*)

And there are so many people I thank, and I'm glad you're all here. I'm glad the Superior Court's here, Judge Narick, I'm very happy he's here. He and I go back, probably, we came on the Bench about the same time, about 1977, he, on the Allegheny County Bench, and then he went onto the Commonwealth Court, where he now sits with distinction. Sam Rodgers, my colleague from Washington County. I'm so happy all of them are here. You do me a great honor, you do our County, our Bench and our Bar an honor in coming here for this important occasion. And I hope to see you all at the reception afterward. Thank you. (*applause, standing ovation*)

JUDGE CIRILLO: Welcome to a great Court, Joseph. To pay an honor to our newest Justice, I want to recognize Nancy Sobolovitch, Court Administrator for the Pennsylvania Courts, all the Pennsylvania Courts. She's here with her assistant Bunny Baum Canter, and they came all the way from Philadelphia to honor our newest member and we thank you. We also have with us the executive administrator of the Superior Court, Mr. Nicholas DiLorenzo, who's seated here in the Courtroom.

I heard the name Ned Nakles, Attorney Nakles, mentioned. I want to say if there's anyone here who wants to run for judge, get him to be your campaign chairman, because he was mine in Western Pennsylvania, and he was also Joe Hudock's, and it's a key.

Those of us who knew Joe from the Pennsylvania Conference of Trial Judges knew he was a good judge. His colleagues have told us that, but when I looked over his resume and found that he had been Judge Advocate General, Lieutenant Commander in the navy for 4 years, I figured he brought a lot of experience with him when he came to the Bar. And then his resume said that he had ten years' experience general practice. I thought, wow, that's going to help. He was a Solicitor for a Borough, and then, he was 12 years a judge in the Court here in Westmoreland County.

We're honored to have a person with that kind of experience come to the Bench, the Superior Court. He fits right into our Court.

He's a worker. We have a working Court, and Joe, you'll find that your colleagues might differ with you philosophically in cases, but they'll be courteous with you in their opinions, and we have a great deal of collegiality on this Court, even when we differ, and you'll fit right in. We welcome you, and may you have a hundred years of happiness on this Court.

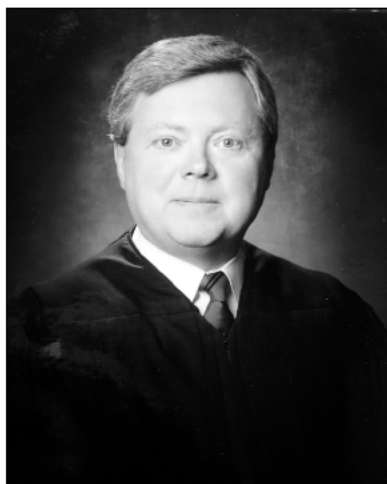
JUDGE HUDOCK: Thank you. (*applause*)

JUDGE CIRILLO: The Court now recognizes Dr. Kenneth Rutter for the benediction.

DR RUTTER: Let us pray. Almighty God, who sits on your Heavenly throne, judging with finality, what is right, we humbly beseech Thee to bless the courts of justice in our Commonwealth, and especially Your servant, Joseph A. Hudock, with the spirit of wisdom, the spirit of understanding. May he and all others who pass judgment on fellow citizens discern the truth and then impartially administer the law in the fear of Thee alone. Bless this new Judge of the Superior Court with long life, a keen mind, a sensitive soul and great satisfaction in nobly serving both God and man. As he now embarks on his challenging task, may he do so with the blessing of loving care of God the Father, the grace and the example of Christ, and the never failing communion of the Holy Spirit. Amen.

(whereupon the Court adjourned)

THE HONORABLE THOMAS G. SAYLOR



*December 14, 1946 –
Assumed Office: January 7, 1994
County: Somerset*

INDUCTION CEREMONY

January 7, 1994 – 1:30
The State Museum of Pennsylvania
Harrisburg, Pennsylvania

PROCEEDINGS

COURT CRIER: The Honorable Judges of the Superior Court of Pennsylvania. Oyez, oyez, oyez. All manner of persons having business to come before the Honorable Judges of the Superior Court of Pennsylvania holden this day, let them now come forth and appear and they shall be heard. God save the Commonwealth and this Honorable Court.

JUDGE CAVANAUGH: Good morning. My name is Judge James Cavanaugh for President Judges James Rowley, who, like most Pennsylvanians, including a number of the members of this Court, were iced in this morning.

With the invocation this afternoon, it is my pleasure to introduce the Reverend Cannon Calvin Van Kirk Hoyt, Rector of the Mount Calvary Episcopal Church.

REVEREND HOYT: Let us pray. Gracious God, You alone are the pure form. We are but imperfect shadows.

Gracious God, You alone know the simplicity of truth. We are bidden to struggle with the complexities born of imperfect knowledge.

Oh, God, You are highly exalted above man, yet we believe Your greatest revelation was in the form of sacrifice.

Oh, God, You alone are above death, yet we believe You surrendered your life for the sake of others.

Righteous God, You alone know what is lawful and right; yet you, above all others, have shown the power of forgiveness and grace.

Holy God, You alone are big enough not to insist upon it, great enough not to amount to much.

Everlasting Father, Mighty Counselor, Prince of Peace, we, Your not so humble and frequently disobedient servants, bow our heads before You this afternoon for the simple reason that we know we need Your grace. We are here to institute, install, and otherwise elevate one of our own as a judge among us.

And oh, God, we would not ask anyone to do this alone, nor would we want them to sit in the seat of judgment without a knowledge of Your grace, Your mercy, and Your patience with us.

Oh, God, You, above all others, know the task of judging others to be an awesome one, and so therefore we ask Your blessing to be poured upon Tom to strengthen him to wrestle with complexities, to strengthen him to maintain his humility, to strengthen him to keep with You, oh, God, our strength and our Redeemer.

We pray in the name of the greatest servant of all, Jesus, the crucified and Risen Lord. Amen.

JUDGE CAVANAUGH: Thank you, Reverend Hoyt.

Our first speaker is no stranger to this Court and the judiciary, the distinguished former Attorney General of the Commonwealth of Pennsylvania and currently elected chairman of the Eckert, Seamans, Cherin & Mellot law firm. It is my great privilege to introduce Roy Zimmerman.

MR. ZIMMERMAN: May it please the Court, Judge Cavanaugh, Judge Hudock, Judge Ford Elliott, Reverend Clergy, Congressman Shuster, General Hafer, Commissioners Sheaffer and Klein, distinguished members of law enforcement, my colleagues, members of Eckert, Seamans, Cherin & Mellot, friends and family here today. It's my privilege and pleasure to make a few brief remarks on the record at this special sitting of the great Court for this very important oath-taking ceremony for Thomas G. Saylor.

Tom Saylor was born in Meyersdale, Somerset County, the son of the late Thomas G. and Alice Saylor. He is one of three children, a brother Bill and a sister Diane. His mother is here. Alice is here today to witness this important ceremony of her son Tom.

Tom currently resides in Camp Hill, Cumberland County, and is married to Patricia Saylor, who is a high school business teacher. They're the parents of two fine children, Sean, a pilot with U.S. Air Express, and Shannon, a first year student at James Madison University. Tom's family life has always been very important to him.

Tom is a 1969 honors graduate of the University of Virginia. He earned his juris doctorate from the Columbia University School of Law in 1972. Tom Saylor practiced law in a small town rural setting in Somerset County with the firm of Braucher, Keim & Saylor.

He later became a partner in the Harrisburg office, I'm proud to say with me, of our firm Eckert, Seamans, Cherin & Mellott. But between that time, he had a long experience in government.

I first met him when he was the First Assistant District Attorney in Somerset County, and the friendship that evolved out of that meeting continues. He came to Harrisburg to join me in the Attorney General's office and served as the Director of Pennsylvania's Bureau of Consumer Protection and later as the First Deputy Attorney General of the Commonwealth of Pennsylvania.

Tom Saylor has a rich and important background and experience as a lawyer in the private sector and in government. He will bring that experience to this distinguished Court, a Court rich in tradition with a heavy work load.

Tom Saylor is a scholarly lawyer who has always addressed legal problems on behalf of his client, whether it was the government or an individual or a corporation, with enthusiasm, with great intellect, and

a lot of industry, traits that he also will bring to this distinguished Court.

He's tried cases in the trenches, as we like to say. He's had a great deal of experience with juries on a number of cases with varied issues. He's argued in all of the appellate courts of Pennsylvania, the Third Circuit, and in the United States Supreme Court.

His varied background includes a professorship at Widener University School of Law. So that he brings to the Court the general practice, the government practice, the academic background and a rich tradition of family and caring for people.

Our loss at Eckert, Seamans is the gain of the people of the Commonwealth and, we feel, this distinguished Court. He's a friend and a colleague. And now that he is about to become a judge, I know that he will discharge his duties, his sacred duties, with this Court with the same kind of competence and professionalism that he has always demonstrated in the past.

JUDGE CAVANAUGH: Thank you, General Zimmerman.

We are fortunate to have the Vice President of the Pennsylvania Bar Association, Mr. Art Piccone, here with us today to assist in the presentation of the commission.

I ask that Mr. Piccone and Mr. Saylor and his family approach the podium

MR. PICCONE: May it please the Court, Judge Cavanaugh, Judge Hudock, and Judge Ford Elliott, with the Court's permission, I would be pleased to read the Commission of Election for Judge—Elect Thomas G. Saylor.

From the Governor's office, Harrisburg Pennsylvania, Thomas G. Saylor of the County of Cumberland in the Commonwealth of Pennsylvania.

Greetings: Whereas it appears by the certificates and returns made according to the law of an election held on the 2nd day of November, anno Domini 1993, that you have been elected Judge of the Superior Court of the Commonwealth of Pennsylvania.

Therefore, know ye that in conformity to the provisions of the Constitution and the laws of this Commonwealth in such case made and provided, I do, by these presents, commission you to be a Judge of the Superior Court of the Commonwealth of Pennsylvania, to have

and to hold the said office, together with all of the rights, powers, and emoluments thereunto belonging or by law in anywise appertaining, for the term of ten years to be computed from the first Monday in January, anno Domini 1994, if you shall so long behave yourself well.

Given under my hand and the great seal, the City of Harrisburg, this 22nd day of December in the year of our Lord, 1993, and of the Commonwealth, the 218th year. Signed Robert P. Casey, Governor of the Commonwealth of Pennsylvania, and attested to by Brenda K. Mitchell, Secretary of the Commonwealth.

If the Court pleases, I would respectfully move that the oath of office be administered to Judge-Elect Thomas G. Saylor.

JUDGE CAVANAUGH: Thank you, Mr. Piccone. Judge Saylor, will you repeat after me. I, Thomas G. Saylor.

JUDGE-ELECT SAYLOR: I, Thomas G. Saylor.

JUDGE CAVANAUGH: Do solemnly swear.

JUDGE-ELECT SAYLOR: Do solemnly swear.

JUDGE CAVANAUGH: That I will support, obey, and defend.

JUDGE-ELECT SAYLOR: That I will support, obey, and defend.

JUDGE CAVANAUGH: The Constitution of the United States.

JUDGE-ELECT SAYLOR: The Constitution of the United States.

JUDGE CAVANAUGH: And the Constitution of the Commonwealth

JUDGE-ELECT SAYLOR: And the Constitution of the Commonwealth

JUDGE CAVANAUGH: And that I will discharge the duties of my office.

JUDGE-ELECT SAYLOR: And that I will discharge the duties of my office.

JUDGE CAVANAUGH: With fidelity.

JUDGE-ELECT SAYLOR: With fidelity.

JUDGE CAVANAUGH: Our congratulations and God bless you.

JUDGE SAYLOR: Thank you. (*applause*)

JUDGE CAVANAUGH: Judge Saylor will assume the bench.
(*applause*)

JUDGE SAYLOR: Judge Rowley, Judge Hudock, Judge Ford Elliott, Bishop McNutt, Canon Hoyt, distinguished members of the bench and bar, friends and guests, I'm pleased that all of you could be here with us today, the weather notwithstanding.

I appreciate the remarks of Roy Zimmerman and thank Art Piccone for presenting my commission.

I remember a judge in my native Somerset County saying on the occasion of his swearing in, the glory lasts for an hour and the works lasts for ten years. But it's truly a challenge that I welcome.

While today marks the beginning of a new career, it's also the ending of a journey which began over a year ago in Clarion County in the snowy timberlands of the great northwest.

It's a journey which very few people ever have the opportunity to make. And it took me the length and breadth of this great Commonwealth—into its cities, its suburbs, its villages, and small towns; across its hills, its rivers, and its valleys; and it gave me the chance to come face-to-face with the great diversity of the people and the geography of this marvelous state.

I owe thanks to so many people who helped me along the way, far too many to name. But let me mention a special few.

It's been my observation that alongside every man or woman who achieves any measure of success in life stands a partner, who always shares in that person's frustrations, but all too seldom shares in the accolades of accomplishment. I'm very fortunate to have as my partner, my wife Patty.

And I have two children of whom I'm very proud, my son Sean and my daughter Shannon. I'm glad that my earliest supporter could be here today, my mother, Alice Saylor, as well as my brother Bill. While my father is no longer with us, I have a sense that he's here in spirit.

I've been privileged to have been associated for many years with my friend and mentor, Roy Zimmerman, who allowed me to play a small part in helping him to build and shape the Office of Pennsylvania Attorney General, which now stands as a legacy to Roy's stewardship, and then join him with a great firm, Eckert,

Seamans, Cherin & Mellott.

I'd like to acknowledge with deep appreciation the presence of Congressman Bud Shuster, and thank him for all of his help and support this past year, as well as the presence of the Auditor General of this Commonwealth, Barbara Hafer.

Finally, I owe special thanks to the voters of Pennsylvania, who gave me the tremendous privilege of joining a Court with a long and distinguished history and tradition of service to the people of this Commonwealth—A Court which enjoys a well deserved reputation for disposing of its heavy caseload in an expeditious fashion, yet in a thoughtful and reasoned manner.

It's my sense, having just spent a year visiting with the citizens of Pennsylvania, that those who aspire to public service have an obligation to do everything within their power to foster what I call the American dream, which is the notion that somehow, someday, through hard work and sacrifice, we'll be able to leave our children just a little bit better off than we found ourselves.

In the context of judicial service, it seems to me this means that we have a continuing duty to make certain that all litigants who become involved in the judicial process are treated fairly and equally, regardless of their race, religion, or station in life.

It means continually recognizing that the judiciary is the ultimate protector of the liberties guaranteed by our Bill of Rights. And it means asking always, of course, what is the law, but also, in appropriate circumstances, what should the law be? What is right? What is fair? What is just?

I remember reading not too long ago about an older state court judge in North Carolina who was impressed with the statue of justice from the Old Bailey Courthouse in London. He said that the statue has three unique characteristics.

“She obviously has the scales, and it's appropriate that justice should have the scales to finely weigh and balance the equities. She also carries in her right hand an upright sword, because justice should have the power to impose punishment if necessary. That is her strength, the majesty and force to impose the rule of an orderly and civilized society upon the public.

But the most unique thing about the British figure of justice,

which is different from the statues of justice which you see in the United States, is that she is not blindfolded. Her eyes are open, so she can see the truth.” And that, he said summarized his philosophy—justice should have her eyes open and should always be looking for the truth.

Thank you. (*applause*)

JUDGE CAVANAUGH: Thank you, Judge Saylor. We on the Superior Court welcome you and state that we are fortunate, indeed blessed, to have you among us.

I would like to acknowledge the presence of my colleague, Judge Charles Lord, from the Commonwealth Court of Pennsylvania, who called me yesterday and said, Cavanaugh, if we’re going to go to Harrisburg, we better go today, and I think he was absolutely right.

And now as we close, I ask the Right Reverend Charlie McNutt, Bishop of the Episcopal Diocese of Central Pennsylvania, to give the benediction.

BISHOP McNUTT: Let us pray. Almighty God, You alone are the ultimate judge of us all. We humbly beseech You to bless the courts of justice in our land. Particularly we ask Your blessing on Judge Saylor and the Superior Court of this Commonwealth.

Give to him and all judges the spirit of wisdom and the understanding and the gift of discernment of what is right and true and fair. Grant him courage to administer justice without partiality and with dedication to what is lawful and righteous in Your sight.

May Your blessing rest upon him and upon us this day and always. Amen.

JUDGE CAVANAUGH: Thank you, Bishop McNutt, Judge Saylor has asked us to thank you for coming and to invite you to join us for refreshments at the Hilton Hotel.

COURT CRIER: This special session of the Superior Court of Pennsylvania is now adjourned.

(Whereupon, the special session of the Superior Court of Pennsylvania adjourned at 1:54 p.m.)

THE SUPERIOR COURT OF PENNSYLVANIA



SPECIAL CENTENNIAL CEREMONY
Thursday, November 2, 1995

Centennial Ceremony of the Superior Court of Pennsylvania, held at City Hall, Court Room 456, Philadelphia, Pennsylvania 19102 commencing at 9:30 a.m., on the above date, before Ronald DeShields, Shorthand Reporter and Notary Public.

APPEARANCES:

President Judge James E. Rowley
Justice Frank Montemuro

Honorable Zoran Popovich
Honorable Patrick R. Tamilya
Honorable Joseph A. Del Sole
Honorable Stephen J. McEwen, Jr.
Honorable James R. Cavanaugh
Honorable Donald E. Weiland
Honorable Vincent A. Cirillo
Honorable Phyllis W. Beck
Honorable John T. J. Kelly, Jr.
Honorable Justin M. Johnson

Honorable John P. Hester
Honorable J. Sydney Hoffman
Honorable Thomas G. Saylor
Honorable Joseph A. Hudock
Honorable Kate Ford Elliott
Honorable D. Donald Jamieson
Honorable William F. Cercone
Honorable John G. Brosky

JUDGE ROWLEY: Good morning. I just mentioned that I suspected that it took us longer to get on the bench that it took the court a hundred years ago when there were only seven of them.

The purpose of this en banc session of the Superior Court at this particular time and this particular place is, in addition to conducting a little later this morning and this afternoon the regular business of the court, to commemorate the Superior Court's centennial.

The centennial was established in 1895 by the General Assembly of Pennsylvania.

The record of that day shows that on November 4, 1895 the court held its first argument session in this same place.

And although the courtroom was decorated with flowers as it is today, the court went to work at once, without any ceremony to inaugurate the occasion. To that extent, we depart from their example here this morning.

That's because we are of the opinion that it is appropriate to pause briefly here today and recognize the contributions that our predecessors have made to the citizens of this Commonwealth, and to the common goal of a lawful and orderly society.

It is in that recognition that we strengthen our own resolve today, and encourage those who follow us, our successors, to continue in the never-ending search for those perfect goals that led to the establishment, not only of this court, but of this nation.

Our pleasure in these events is particularly heightened this morning by the presence with us on the bench of our distinguished friend and colleague, Supreme Court Justice Frank J. Montemuro, Jr.

As everyone, I think, that is here is aware, Justice Montemuro

has had a distinguished career as a trial lawyer, as a Judge of the Superior Court, and for the last three years as a distinguished Justice of the Supreme Court of Pennsylvania.

We are extremely pleased that at the conclusion of his work with the Supreme Court, he will be returning in January of next year to continue his career as a senior judge with us, with the Superior Court.

Justice Montemuro, would you care to say anything.

JUSTICE MONTEMURO: Thank you, President Judge Rowley, and good morning ladies and gentlemen.

I am honored today by being asked to make a few remarks on a subject for which I have tremendous affection and respect, the Superior Court of Pennsylvania.

It is, in my estimation, and I believe I may speak with some authority here, truly superior in every respect. The great unsung hero of the Pennsylvania court system. My perspective is, I'd like to think, a broad one.

As I have for the last 31 years, served at every level of the Pennsylvania judiciary. As a trial judge, an intermediate appellate court judge, and as a Supreme Court Justice. Each level is, in its own way, admirable, competent, and dedicated to the protection of justice.

Each is hard working, composed of justices who are overwhelmingly serious about the duties which fall to their lot, and zealous of service to the people of the Commonwealth of Pennsylvania.

However, no other court has ever achieved the level of efficiency, the attitude of collegiality, and the thoroughly professional demeanor of the court, while coping with so heavy a caseload.

To have done so without fanfare, but with unflagging determination and persistence, is an accomplishment indeed.

When I became a Superior Court Judge in 1980, there were 4,523 appeals filed in the Court. In 1994 there was 7,554.

In 1980, 1750 appeals were resolved by opinion or memorandum.

In 1994 the number grew to 4,301. The growth is staggering.

Through it all, the court remains current, and consistently produced thoughtful, and not infrequently brilliant, legal exegesis, in

the faithful execution of its duties.

This court serves as an example of how well the judiciary can work. I am proud to have contributed in the past to the tradition of public service this board represents, and am deeply honored that I have been asked to return.

JUDGE ROWLEY: Thank you very much, Justice Montemuro.

We received yesterday afternoon from the Honorable Tom Ridge, Governor of Pennsylvania, a communication bringing greetings. And if you will permit me, I will just read this brief message.

It gives me great pleasure to congratulate the Superior Court of Pennsylvania as you celebrate 100 years of justice.

This country, founded on the precepts of freedom, liberty, and the pursuit of happiness, recognizes the critical role of justice in our society.

Law, as a shared sense of being, encourages us to comprehend the boundries of fairness, equality, and independence.

As a nation, we look to our judges and our courts as icons of probity, integrity and honor.

The Superior Court of Pennsylvania has, for one century, maintained the exact tenets of legal acumen, interpretive vision, and human justice.

We gather to applaud these virtues, and ask that these ideals continue to reflect our Commonwealth's pursuit of justice, democracy, and wisdom.

On behalf of all Pennsylvanians, I commend the Superior Court of Pennsylvania for 100 years of distinguished and honorable service.

Signed by Tom Ridge, Governor of Pennsylvania.

The court would like to recognize at this time, the Honorable Senator D. Michael Fisher, whose jurisdiction is not only the Commonwealth, but parts of Allegheny and Washington County.

Justice Fisher.

JUSTICE FISHER: Thank you very much, President Judge Rowley and Justice Montemuro and members of the Superior Court.

I am very pleased to be able to appear before this distinguished

panel this morning. Not only as a member of the bar of the Supreme Court of Pennsylvania, but also on behalf of my colleagues from the Senate of Pennsylvania.

I appear before this court. It's a great honor for me as a practitioner for over 25 years, and as someone who has known many of the members of this distinguished court.

Not only in my own right, but having met a number of you years ago through my father, with whom a number of you were associated, both as practicing attorneys, and on a professor-student relationship at one of our great law schools in Pennsylvania.

I appear before this court this morning, not just to convey my message from the Senate of Pennsylvania, but to commend this court institutionally for its 100 years of outstanding service to the citizens of the Commonwealth of Pennsylvania.

The Senate of Pennsylvania, on October the 24th of this year, had the opportunity to take up the resolution which was introduced by myself and many of my colleagues. I would like to read that resolution.

It says, In the Senate of the Commonwealth of Pennsylvania, whereas the General Assembly established the Superior Court of Pennsylvania in 1895 to hear appeals from certain decisions of the Courts of Common Pleas of the Commonwealth.

Whereas, in 1968 the voters of Pennsylvania adopted a constitutional amendment making the Superior Court a constitutional court.

Whereas the Superior Court is composed of 15 judges who sit on three-judge panels assisted by senior judges, except for cases where en banc, a panel of nine judges is ordered.

Whereas the General Assembly has since established in the Superior Court, expanded the court's jurisdiction to decide appeals touching on almost every aspect of life and commerce in this Commonwealth.

Whereas the Superior Court now hears appeals dealing with matters such as child custody, visitation, adoption, divorce, and support, criminal matters, wills, estates, property disputes in cases involving damages for breach of contract for personal injury, as well as hearing applications under the wiretapping and Electronics

Surveillance Control Act.

Whereas the Superior Court is often the final arbiter in the cases it's handled due to the denial of the majority of petitions were reviewed by the Pennsylvania United States Supreme Courts.

Whereas the Superior Court of Pennsylvania is one of the busiest intermediate appellate courts in this country

Whereas while over 7500 appeals were filed by the Superior Court last year, the court remains current with a meaning disposition time of less than ten months.

And therefore be it resolved, that the Senate congratulates the Superior Court on its 100th anniversary for its long, honorable service to the judicial system. From the citizens of the Commonwealth of Pennsylvania.

May it please the court, I will offer this resolution to the court. I would also like to present – I know it's not permitted evidence before this appellate tribunal – but as a sign of our appreciation for what the court has done, a framed copy of that resolution, which I hope will be posted in the appropriate place in the Superior Court chambers.

And hopefully this resolution can last for another hundred years, when those coming after us will be here for that second hundred-year celebration.

With that, I submit these to the court. I am very pleased to be able to be here on behalf of my colleagues.

JUDGE ROWLEY: Thank you very much, Senator.

I hope that you will express our appreciation and gratitude to your colleagues in the Senate.

We have enjoyed their cooperation and understanding during our time.

I assure that the evidence will be hung in a very conspicuous place where all can see it. Perhaps in the Capital, at our chambers there.

We are deeply appreciative. And, of course, the resolution will remain a part of the permanent record of the court.

Thank you very much.

SENATOR FISHER: Thank you.

JUDGE ROWLEY: At this time, the court recognizes the

Speaker of the House of Representatives of Pennsylvania, the Honorable Matthew J. Ryan.

JUSTICE RYAN: Good morning, your Honor, Chief Justice.

Like Mike Fisher, my colleague from the Senate, I'm very pleased to be here. I too, am a member of the bar.

I have been at the bar of this court, and I've been at several other bars with some of the members of this court. One in particular.

I'm really pleased to be here. I had a lot of fun researching the materials prior to coming before you today, and I think you will maybe be amused. If not amused, certainly interested in some of the things that turned up as I went through this.

The bill that created the Superior Court was one of 489 bills that were enacted in that 159 day, two-year session. That's a very long session by our standards now, two years. I don't know whether the man who did that research for me was accurate or not. But I suspect he was, because he is very good at it.

You were in good company legislatively from an enactment standpoint of important legislation. This was the same year, 1895, that the first compulsory education bill was passed here in Pennsylvania.

It was the first time a school subsidy bill was passed in Pennsylvania, and it became law.

It was the first meaningful child labor law bill that was passed in Pennsylvania, enacted in the year 1895, and it was the year that the Department of Agriculture was created.

It was the year that Dickinson Law School came into being. It was the year that Pitt Law School adopted the name Pitt Law School.

And I'm told it was the first year that Temple began, Temple University, began reading law. I'm not so sure it's the year that Temple actually became a law school. That was vague as we looked through the records, and I guess we will have to search through Temple's archives to see exactly what took place at the time.

This was the year of reform or the decade of reform in the court system's congress in 1881, created their first Intermediate Court of Appeals.

This was one of the things, I suspect, that generated the

interest in an Intermediate Court of Appeals here in Pennsylvania.

At that time, in 1895 there were about 10,000 lawyers in Pennsylvania who practiced in front of 95 Common Pleas Court Judges, and seven Justices of the Supreme Court.

Today there are approximately 40,000 lawyers practicing in Pennsylvania before 31 appellate judges. And according to these notes, 366 members of the lower courts. So times have moved forward.

I didn't have the statistics, but I heard the President Judge give statistics on the number of appeals that are not filed.

The first court, and I notice the failure to mention it, the first court, when it was created under the law, the legislature provided that of those seven judges of the Superior Court, the electorate were permitted to cast six ballots for the seven seats.

And that year being a very good year, there were six republications elected to the Superior Court, and one democrat.

At that time the judges were paid \$7,500. The Supreme Court was paid \$8,000. And the Judges on the Court of Common Pleas were paid \$4,000.

Now that doesn't sound like much money, but if we put a cola to that and ran it for a hundred years, I think we would have something very meaningful. I did not bother to do that for fear that you might all get up and walk out.

The remarks of Senator Fisher that most interested me were the remarks between the Senator and the Court when there was mention made of the plaque that would be handed down in the next hundred years.

It is my hope that a hundred years from now when the next plaque comes down with the citations or resolutions on it, that I am here to present that to you on behalf of the House, framed. The Senate has so much more money than we, that they were able to do this framing, we were not.

This, of course, as has been pointed out, is the first courtroom that the Superior Court sat in. I think that's interesting.

The last bit of historic memorabilia that I would point out- and I guess this is my political rhetoric that I really can't get away from- is that as we went through this, there was a New York Times story

dated November 5, 1895, which carried the following headline relating to the Pennsylvania First Superior Court and other statewide elections.

Republicans in Pennsylvania, they Carry the State by the Usual – and they had that underlined – Big Majority.

I haven't seen that headline since. It was nice looking back to see that.

Now I'm going to struggle with something. As some of you know, one of your judges, Judge McEwen and I went through high school together.

During those years of high school, while I sat in the smoking room at St. Joseph's Prep, Steve was usually out in one of the hallways translating Caesar's Gallic Wars. And you have all seen his efforts at Latin since, on his many letterhead.

As part of my place in this ceremony, I would end it with the following. And then I will ask Steve to translate it properly- with these remarks.

Optima uideo Pennsylvaniae Superiori quod iustitiam centum annis tulit cadant.

Which means, best wishes to the Pennsylvania Superior Court, which has served justice for 100 years.

Steve, I'll give you that to checkout.

At this time, I would also present, on behalf of the Pennsylvania House of Representatives, a resolution which was adopted on June 21st of this year. I will not belabor the Court with the reading of it, but suffice it to say, that it was adopted with the following resolution clause:

The House of Representatives of the Commonwealth of Pennsylvania congratulate the Superior Court on its 100th anniversary. For its long and honorable service to the judicial system and the citizens of this Commonwealth.

And we wish you well in the next hundred years.

JUDGE ROWLEY: Thank you very much.

We enjoyed and appreciated those remarks, and some addition to our history.

As you are probably aware, we published a history this year. But we didn't have some of those things.

When you mentioned the money, it's my recollection that for that first court, the sum of \$750.00 was appropriated to each judge to hire a law clerk or clerks for a period of two years.

When my law clerks tell me they think they are worth money, I just show them that record.

Thank you very much. We will see that your resolution is made a part of the permanent record of the court.

SENATOR RYAN: Thank you, sir.

JUDGE ROWLEY: The court recognizes Mr. Joseph Dworetzky, who is the City Solicitor of Philadelphia, and is representing Mayor Rendell this morning, who is busy looking to his future.

MR. DWORETZKY: May it please the Court, I am here on behalf of the Mayor.

He asked me to extend his regrets that he could not personally attend, and he asked me to read a tribute to you.

Before I do, I just mention that as you came into the courtroom, so many of you, I thought of the lawyer's greatest nightmare.

That you come to court after having filed a brief, and find that the judge found your argument to be so amusing, that he or she invited all of his or her colleagues to come in and listen to it.

As you all came in, I was reminded of what a large court this is, and how much work that you do and how important that work is.

Since the days of the first European settlers in Pennsylvania, there has always been an organization which served the function of an appellate court.

However, not until the Superior Court was created in 1895 was there an Intermediate Appellate Court. It is one of the oldest State Intermediate Appellate Courts in the country.

In 1894, several different bills were introduced into the Pennsylvania legislature to establish an additional appellate court. From among this group of different bills, the legislature passed House Bill Number 130, which created the Superior Court of Pennsylvania. The bill was signed into law on June 24th, 1895.

An important provision of the Superior Court Act specified that the Superior Court must meet at least once a year in

Philadelphia.

The first argument session of the new court was held on November 4th, 1895 in Philadelphia. The Court met in the Supreme Courtroom, in this very room on the fourth floor of City Hall, and met there from November 4th, 1895 to December 20th, 1895.

In commemoration of that historic event, the Superior Court will hold a special centennial ceremonial and working session of the court on Thursday, November 2nd, in the Supreme Court Courtroom in City Hall.

While only a hundred years old, the Superior Court touches almost every aspect of life and commerce in the Commonwealth.

In 1994 alone, over 7500 new appeals were filed in the court.

It is fitting and appropriate, therefore, that the City of Philadelphia officially recognize with this tribute, the Superior Court Commemorative Centennial Session, and congratulate this court for fulfilling the role as an accessible people's court. And to remember the many judges of the Superior Court who were excellent and honorable men and women.

Signed, Edward G. Rendell, November 2nd, 1995.

Thank you.

JUDGE ROWLEY: Thank you very much, Mr. Dworetzky. And express our appreciation also to the Mayor.

MR. DWORETSKY: I shall.

JUDGE ROWLEY: That communication will be made a part of the record.

The court recognizes at this time, one of our traveling companions for this centennial year, a good friend of the Court, of all the courts of Pennsylvania, and the lawyers of Pennsylvania, the President of the Pennsylvania Bar Association, Mr. Arthur Piccone.

MR. PICCONE: May it please the court, President Judge Rowley, Justice Montemuro, distinguished Judges of this court, colleagues and friends.

I'd like to first thank Judge Rowley for this invitation to appear this morning, and to give us, in a very formal fashion, an opportunity for the Pennsylvania Bar to wish this court congratulations and best wishes on its hundredth anniversary.

As we've said, through the year, 1895 was indeed a watershed

year for the legal system in Pennsylvania. This court, the Pennsylvania Bar, Pittsburgh University School of Law, Temple University School of Law, both came into existence.

It was a year of progress. A year when the founders of our joint organizations recognized a need for sound educational training of the State's lawyers. The need to establish a professional organization to assist in the practice. And the most important need, to give the state's citizens increased access to the justice system.

This court was given the nickname the poor man's supreme court, because it was readily accessible to people in locations throughout our state.

Sitting in Harrisburg, Philadelphia, Pittsburgh, as well as Williamsport, Scranton and Wilkes-Barre, this court has been a visible and lively instructor on the lessons of the law.

It has given people valuable exposure to its deliberation and decisions. And no one can underestimate the impact of this presence on our citizens. You are truly a people's court.

It is remarkable when I tell you this, to witness the response of people who have seen you sit in their communities, and to see and learn how you operate, and realize that you are one of the best in the nations.

Our celebrations have appeared to have afforded a history lesson of our state's legal heritage, and your role and the lawyer's role in it.

Our centennial also illustrates that in each decade since our founding, decision makers and leaders of both bodies have been confronted with changes and challenges that may have seemed insurmountable at the time.

As lawyers, judges, community leaders, as protectors of the rights forged here in Philadelphia, those before us know that they had to fight a good fight. And I suggest to you that they did.

As we stand at the dawn of a new century of your court and our association, we are no different. Today we see an increase in frontal attacks on lawyers, judges, and justices from the public, from the media, and from certain governmental bodies.

Today government no longer stands as one of the protectors to resist and control the hungry appetite of business. And instead, seems

intent on trying to dismantle and destroy hard fought and achieved personal rights.

At the same time, the resources that the justice system requires to be effective are being cut, while the needs of people for fair and impartial justice grows.

As lawyers and judges dedicated to awareness, fairness, and inclusion, we are compelled to take up this good fight and become good citizens and good men and women.

In a recent interview in the American Bar Foundation Update, authors Holiday and Cappick, in commenting on lawyer's political role in fashioning civil society and fostering the rights of citizens, recognize as a key element, the separation of powers in an independent system which they suggest is winged to a collective autonomous legal profession.

They argue that the autonomy of the judges and courts, indeed the autonomy of the administration of justice, from the sovereign, and may I add other legislative agencies, constitutes for lawyers, their political engagement in the separation of power. We are proud to follow that Anglo-Saxon principle.

From our earliest beginnings, the independence of the judiciary was the essential element of a moderate state. But as Holiday and Cappick observed, once courts strike down legislation, their independence becomes politically contested.

In about five minutes from now the Pennsylvania Bar will argue before the Commonwealth Court in an amicus position, the fact that the ballot question as a position that infringes on the rights of the courts, in the sense the legislature is attempting to reserve to themselves, the manner and procedures which constitutional amendments shall be implemented.

I suggest to you that Americans like a mutual court not affected by politics or patronage. And this strange alliance was thereafter developed with the financial and commercial communities.

Yet, we lost those friends in the spring of this year when we found that they wanted the legislature to tilt the field in their favor. Thus we see that democracy is not a calm sea on which our legal vessel sails.

I besiege the members of my profession to stand up to the

justice system and speak out when it is attacked unfairly. When it is underfunded, and when the people it is designed to serve are not afforded their rights.

We must be cognizant of the problems faced in the system, and together seek solution.

In the upcoming months, such laws as Meagan's law, three strikes you're out, as well as changes in the juvenile law in terms of how they will be treated will undoubtedly raise hard tough issues for your court.

Many of these issues will deal with the fundamental rights of defendants, and whether or not those constitutional rights have in some way been changed or deprived or denied.

When the court renders its decision in these areas, the public may perceive the result as unjust or wrong. It will be critical, then, for lawyers to support these decisions. For we must show the public that we are united in our commitment to justice, regardless of popular opinion.

After all, freedom, equality, and justice are only words, without judges and lawyers working together to put them into action.

Your court offers the collective experience of more than 300 years. That's truly remarkable.

Your wealth of talent has enabled your court to distinguish itself as one of the most efficient and effective jurisdictions in the nations. Managing an incredible caseload, your ability to handle cases in a prompt manner has enhanced the practice of law for many Pennsylvania lawyers and their clients. And we appreciate that diligence and dedication.

We look forward to continued productive and cooperative relationships.

Professor Maryann Glendon, in her book entitled, *The Nation Under Lawyers*, suggest that our legal profession, as we near the end of this century, seems to be drifting toward a future where lawyers and law abound, and where constitutionalism and professionalism are but memories.

And that we may have forgotten that law is a means of tainting, as well as serving power. And that it must be instrumental for an orderly pursuit of dignified living, a framework of democracy, a

witness to the ability of fallible men and women to give themselves a rule, to apply by those rules, and to fashion new rules when the need arises.

It is our dearest hope that our future is one where lawyers and judges will remain strong and united, and resolve to provide a democracy where we will abide by the rules, and change them when the needs arises.

Thank you very much.

JUDGE ROWLEY: Thank you very much, Mr. Piccone.

I'm sure that you and your wife, who is here, and members of the staff that are here today, are well aware of this court's appreciation, having recently presented the PBA with a resolution from the court.

We want to tell you again, we appreciate it very much for your presence here this morning, and our relationship with the organized bar of Pennsylvania.

At this time the Court recognizes Chancellor Abraham Reich of Philadelphia.

CHANCELLOR REICH: President Judge Rowley, Justice Montemuro, Honored Judges of the Superior Court, distinguished legislators, other distinguished jurors, members of the legal community and guests.

I bring greetings on behalf of the 13,000 members of the Philadelphia Bar Association, and extend our warm wishes to the Superior Court on the occasion of its centennial.

It is fitting that the court chose to sit en banc here in Philadelphia today. It is equally fitting that the court is holding special sessions in other parts of the State, and at law schools at opposite ends of the State during this eventful year.

The Superior Court's practice of having its members travel to various locations around the state, actually continues a tradition that dates back well beyond the life of this court to 1684, and the founding of the Provincial Court of the Colony of Pennsylvania.

That court included two judges who rode the circuit to various parts of the colony.

This business of access to the courts of the Commonwealth is a matter of particular interest to the Philadelphia Bar Association.

We believe that having judges and/or justices of our state's

courts sit in various parts of the state serves an important function, well beyond the convenience which it grants to lawyers and litigants.

In an age of high technology and increasing anonymity, the actual physical presence of courts and judges is probably more important than ever before. It bespeaks a certain responsiveness on the part of our justice system at a time when trust in the system is being tested on almost a daily basis.

We also note with pride, as other speakers did, that the first argument session of this court was held right here in Philadelphia.

Founded in 1802, the Philadelphia Bar Association shares with the court, a long and honored history.

And so, too, the Pennsylvania Bar Association observes its centennial this year. A cherished part of our legal tradition of this Commonwealth. Of course, much has changed since that first argument in 1895.

The Superior Court can be proud of the fact that today all chambers are fully automated with electronic mail, word processing, and access to on-line services.

And the court's appeal disposition record, as was mentioned by Justice Montemuro, and number of decisions filed per judge, testify to its commitment to render justice swiftly and fairly.

Finally, we must note the power and value of the state-wide jurisdiction of the Superior Court, because the judges sit on behalf of the entire Commonwealth, and not by counties or districts. They bring a broad mandate to the bench.

The court's decision effects all of us and touches every aspect of our life. And the relationship of law to everyday lives is now routinely the stuff of headlines and lead stories on the nightly news.

If we didn't know it before, we now know that the law of the courts and juries and their decisions are very much in the public arena and increasingly under the gaze of hot cameras and bright lights.

This is a time to consider the words of a great Pennsylvania jurist who once wrote, and I quote, "The trial of a lawsuit is not a game or a gamble with either side gaining gratuitous advantage, not based on legal principle or equitable considerations."

"The courtroom is not a gridiron where a fumble can be seized by the opposite side, and regardless of intrinsic merit, go on to score

a victory with it,” end quote.

Those were the words written by the late Justice Michael A. Musmanno, quite some time ago. But they ring particularly true today.

Reminded of Justice Musmanno’s words, we must ask ourselves, what would we do without appellate review and without the Superior Court of Pennsylvania.

As we all know, the appellate process tempers the highly contested nature of our adversary system through careful and thoughtful examination.

That function lies at the very center of the definition of “Justice.” And that function, rendered in a reasonable and deliberate manner, is what we should remember today as we observe the 100th anniversary of this court, and as we thank you, Judges, and those who preceded you, for your extraordinary service.

Thank you very much. It’s quite an honor.

JUDGE ROWLEY: Thank you very much, Chancellor Reich.

We do appreciate our relationship with the State Bar, as you know, and also with the Philadelphia Bar.

It’s a strong and energetic bar association. And it’s through these relationships that we jointly reach common goals.

Thank you for your remarks.

The court also recognizes, at this time, the presence of a number of elected and appointed officials, members of the Court’s staff, counsel waiting to argue, and other interested citizens.

In order to assure that no one is overlooked or slighted, we welcome you all and express our appreciation for your interest and presence here this morning.

As has been indicated, there have been many changes in the court over the past 100 years.

Changes in the court’s foundation, from a statutory court to a constitutional court.

Changes in the number of commissioned judges, from 7 to 15; and the addition of senior judges, today who are numbered six, who carry a full work load with the court.

The court’s case load, from 483 appeals the first year to almost 8,000 appeals this year.

The court's jurisdiction, from being very limited, to an extensive and far-reaching jurisdiction as has been indicated.

As well as all of the ways and means of communicating and carrying out the court's business with the aide of modern electronic technology that is available, and it seems, ever changing, as I'm sure the Speaker and The Senator are well aware. Especially when we come up at budget time.

One thing, however, has not changed. In 1895, the General Assembly envisioned a court which would provide a speedy and just resolution of the state's citizen's disputes by sitting in more locations around the Commonwealth and being more easily accessible to the citizens of Pennsylvania.

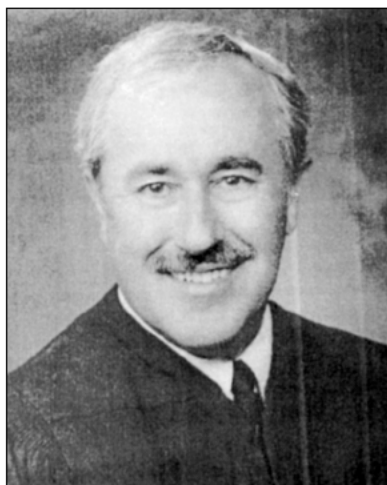
The judges of this court for a hundred years, 72 of them in all, have endeavored to fulfill that charge. And I assure you that the court today remains committed to that ideal, and we are confident that whatever changes take place in the next 100 years, they will be adapted to those same essential principles.

We want to thank you all for coming.

We express our deep appreciation.

(Ceremony concluded at 10:18 a.m.)

THE HONORABLE J. MICHAEL EAKIN



*November 18, 1948 –
Assumed Office: December 15, 1995
County: Cumberland*

INDUCTION CEREMONY

11:00 a.m.

Friday, January 12, 1996
The State Museum of Pennsylvania
Harrisburg, Pennsylvania

CRIER BURNS: All rise and attend, the Honorable Judges of the Superior Court of the Commonwealth of Pennsylvania, President Judge Stephen J. McEwen, Jr., presiding.

Oyez, oyez, let this public induction ceremony for the Honorable J. Michael Eakin, Judge, come to order.

Let the family, friends and associates of the Honorable J. Michael Eakin be joyful, and the citizens of this Commonwealth be confident and sure as this public induction ceremony convenes for the oath of office to the Superior Court of this Commonwealth to Judge Eakin.

God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE McEWEN: Thank you, Crier Burns.

The Superior Court welcomes you this morning. I have on my right one of the two surviving members of the lost battalion or brigade of the Superior Court, Tom Saylor from Cumberland County and I am Stephen McEwen from Delaware County.

It is a very happy occasion this morning. And I use the word happy quite deliberately and intentionally because I was sworn in on a bright, spring May day; specifically May 15, 1981, to be exact. And it was a glorious day. The glow will live on in my memory.

And while today it is a rather stormy, snowy, turbulent day, I tell you it is nonetheless a happy and glorious day, and it will live on in Mike's memory. Of that I assure you.

First on the program would be the invocation by the Reverend Kenneth R. Arthur, United Methodist Home for Children.

REV. ARTHUR: Good morning.

You may remain seated as we bow our heads in prayer.

Almighty God, we gather today for what is a very proud moment in a man's life and in the life of the Commonwealth he represents.

We ask you to hear our prayer for Judge J. Michael Eakin, knowing that this important office and that this deserving man requires your wisdom in the administration of his responsibility.

We thank you for honoring our prayerful request for his selection to this authoritative position and now pause to pray further for your continuing guidance in his daily work.

Enable him to be a superior judge, not only in title, but in a superior performance of his duties. Provide for him the graces of dignity, of honesty, fairness and justice, that he might serve all the people. Enable him to sentence with firmness, but to deliberate at all times with compassion.

May he know without doubt that he represents the all wise creator and judge of us all, and the people of this Commonwealth; and may that knowledge enable him to serve with distinction and with purpose.

We pray our prayer with appreciation for your presence and with the assurance that you will hear our words, know our heartfelt thoughts, and honor our requests.

In the name of all the wise God and the Father of us all, we pray. Amen.

We are pleased and delighted, honored and privileged to have with us this morning the President of the Pennsylvania Bar Association, which has just completed the celebration of its centennial.

May I present to you, but he is already known and needs no introduction, I present to you Arthur L. Piccone, President of the Pennsylvania Bar Association.

MR. PICCONE: May it please the Court, President Judge McEwen, Judge Saylor, distinguished guests and friends of Judge Eakin, I said to someone outside awhile ago that I think if something happens once, it cannot be called a tradition; if it happens a second time, it is the start of a tradition. And I think the new tradition is that people from central Pennsylvania who wish to sit on the Superior Court must agree that when they are sworn in, they are going to have one hellacious day.

Just a few years ago, we went through an ice storm with Judge Saylor, and there was a serious question whether any judge would be here to swear him in. And of course, Judge Eakin could rest assured that because the Judge now lives in the area, that he could walk to this occasion so that there would be someone to swear him in.

But it is a pleasure for me to join with everyone in this magnificent building to celebrate the achievements of Judge J. Michael Eakin and his induction into the Superior Court of Pennsylvania.

Judge Eakin, you join a distinguished court, one of the oldest state intermediate appellate courts in the country. This past year we Pennsylvanians celebrated the centennial anniversary of this court through this date, and it has developed a history as a court of the people; a body made truly superior by its scholarly and industrious judges.

It has been rumored, Judge Eakin, that shortly after your election, you received notice of your judicial assignments and copies of briefs and records. I believe this is called getting a running start. And I know you have accepted that challenge and eagerly await the assumption of office.

Your professional career has been one of dedication to the law and commitment to fairness. Today as you assume the mantle of a judge, I know your thoughts are filled with good memories of the past, of your parents, your childhood, of your years of education and development at Franklin and Marshall College and at Dickinson School of Law. And, of course, your legal career, which includes that tremendously successful tenure as the Cumberland County District Attorney.

The road leading to the Superior Court was a challenging one, and I know you know it required much work. Until we Pennsylvanians can devise a better system, seeking office as an appellate judge can be a frightening, emotion roller coaster ride. The Rules of engagement restrict the ability to comment, and frustration and exasperation abound. Lesser men and women have failed in their quest.

To your credit, you stayed the course and maintained a judicious decorum in a contentious election. As a result, Judge Eakin, you come to this court bearing the high standards of meritorious character.

Some day we pray that change will come to pass on the method of judicial selection. Until then, we remain hopeful and grateful that men and women such as you, who possess broad legal experience and excellent qualifications, will continue to seek judicial office. Thus insuring the preservation of this court's honorable heritage. For certainly no system of justice can rise above the merit of those who administer it.

Therefore, Your Honor, may we remind you of what the late Justice Felix Frankfurter once said, and I quote, "It would be a narrow conception of jurisprudence to confine the motion of law to what is written in the statute book."

May we encourage you, as was suggested by Thomas Jefferson, that laws must go hand in hand with the progress of the human mind.

Socrates said four things belong to a judge; to hear courteously, to answer wisely, to consider soberly, and to decide impartially.

Judge Eakin, we know you are fully prepared to do all four. Many years ago, you and I were members of a national fraternity while we were in college, albeit at different times, Phi Kappa Sigma

fraternity, and it has a motto, as my best Latin remembers it, it is called “*Stellus Acquiis Durando*”, to endure as long as the stars.

May some of those stars illuminate your path as a judge, and may you be guided by the bright light of integrity, fairness, compassion, and justice for all.

Good luck, Judge Eakin, from your friends at the Pennsylvania Bar.

PRESIDENT JUDGE McEWEN: Thank you, Mr. President. As we thank the President of the Pennsylvania Bar and summon our next speaker, the former Attorney General of Pennsylvania, may I extend the greetings and regrets of two of their mutual friends.

Herbert Barness—and Michael knows, as we all know—is a national committeeman from Pennsylvania, who started on out, but just couldn’t get past the roads of Bucks County; and William Lamb, who is the Vice Chairman of the Republican State Committee, who is engaged in a trial, although that is probably canceled now, because the trial that was supposed to start and conclude yesterday, didn’t start. So he expresses his regrets as well.

Now I call their friend, and a friend of everyone here, former Attorney General, Leroy S. Zimmerman. He is still in the business of billable hours, so I will mention he comes from the law firm of Eckert Seamans, Cherin and Mellott.

MR. ZIMMERMAN: Thank you.

President Judge McEwen, Judge Saylor, may it please the Court, members of the Eakin family, Commissioner Evanko, Senator Piccola, Judge Lewis, Commissioner Kline, D.A. Petit, members of the Bar and friends, it is my privilege and pleasure to participate in this oath taking ceremony today.

As President Piccone referenced, two years ago we were here almost to the day, and what concerns me about this is if this were not a judicial proceeding, I would be inclined to say that we put the Democrats in charge of the weather then and today.

However, I think our judges are tough enough, and our central Pennsylvania supporters are tough enough as well, to endure this weather in order to celebrate the warmth, the importance of this occasion.

As you know, as District Attorney and as Attorney General for

many years, I have had an up front seat in law enforcement. In those years, I have had many occasions to work with Mike Eakin. Mike has demonstrated over many years his integrity and his industry as a lawyer, in the private sector and as a prosecutor's prosecutor.

Of course, it comes naturally to Mike Eakin. Mike comes from a family of lawyers. A loving mother, father who practices law, now his wife Heidi, a prosecutor, his sister Kathy, a lawyer, so it comes to him naturally, the inquisitiveness of the law, the inquiry, the industry, and the importance of the intellect of being a lawyer and now as a judge.

He too had an upfront seat. He understands how a case is put together. So he will have no difficulty looking at that case from the perspective of a judge.

The Superior Court of Pennsylvania, our busiest court, is under the able leadership of another former prosecutor in Delaware County, the President Judge, Judge McEwen. So that really Judge Eakin will be joining a court with a number of distinguished jurists, including Judge Saylor and the other members of this court.

Let me say that he brings to this new and important position of responsibility the work ethic and the experience, and I said the integrity, that is so essential to deciding cases impartially and speedily.

It is a privilege for me, Mike, for the last time, to be here and share this important day with your family, with Heidi, with you, and all of your many friends. I know that you are going to carry out the new and important responsibilities as a Judge of the Superior Court of Pennsylvania as you always conducted yourself in the past.

You are now an umpire. You are not going to be able to swing at the ball like you enjoy doing, but I am sure that in calling the balls and strikes in the cases in front of you, that you will distinguish yourself as a member of a very distinguished court.

God bless you. Good luck. Thank you.

PRESIDENT JUDGE McEWEN: Thank you, General. Happily, Roy mentioned certain dignitaries in the audience. May I ask them to rise for a call of salute?

Senator Jeff Piccola, and Commissioner Sally Kline. Welcome. We are pleased and honored that you could be here.

Now, the early days and evenings of January overflow with

ceremonies where officials in every town hall and courthouse throughout the Commonwealth take the oath of office. Each one is distinctive, of course, but in every one the joy and happiness is shared by family and friends of the official.

We judges are witnesses to the happiness and joy shared by the official who takes the oath and the family and friends of the official. We actually observe and witness it, our enjoyment.

This morning is somewhat different. Because not only are we witnesses to the happiness and joy and the bright moments of this investiture ceremony, we are fully participants because the oath of office which Judge Ekin is about to take will make him one of us, our associate, our colleague, our friend. How much we do look forward to that. Because we are aware that Mike as a D.A. was firm and fair in every decision and that he had no delayed agenda; the moment was now, action had to be taken now.

As a person, we know as well that he is a cathedral of the light. Because he greets each day because each morning may prove to be a dancing day.

So it is that we salute you and call upon you to commence the investiture ceremony.

Will Heidi Eakin and Michael step forth for the robing?

Would you proceed with the robing, please?

Will you both remain standing? That is fine. And will you all rise, please?

(Whereupon, administration of the oath of office was given.)

JUDGE EAKIN: Thank you, President Judge McEwen.

I think you all know I like to tell stories. I am reminded today of the pastor who had a small parish up in New England and arrived at church one Sunday morning to find that only one of his congregation had appeared for services that day.

And taken a little aback, he asked the gentlemen, an old farmer, if he really wanted the preacher to go through with the ceremony. And the old farmer looked at him, said, well, I don't know, he said, when I go out to the meadow to feed the sheep, only one sheep shows up, I still feed him.

Well, this inspired the pastor so much that he proceeded to give one of the best sermons that he had ever given. Heartfelt. Fire and

brimstone. Lengthy. Sweating. Came to his climax and was almost exhausted. He looked down at the old farmer, who sat patiently through it and said, there what did you think of that. He said, well, I got out to the meadow to feed the sheep and only one sheep shows up, I don't give him the whole dang load.

I feel that way today. I cannot tell you how much it means to have you folks come out, braving the elements as you have, to be here with us today. It is above and beyond the call of duty. I know Judge Saylor went through much the same things two years ago. That has been remarked on. And it is gratifying to see you out here.

They advised me in preparation that the remarks today would be transcribed and made part of the official record of the Superior Court and be published in the official reporter. And I was given the location of Judge Saylor's ceremony.

You heard our crier cry oyez, oyez, as the judges entered the bench. Oyez is a term, o-y-e-z, that one often hears in the courtroom. But in the transcript of Judge Saylor's proceedings, the stenographer apparently was unfamiliar with the word, which was printed as o-h, y-e-a, oh, yea, oh, yea.

I want to thank my wife, Heidi, who put up with me during the year. I can't thank my family enough. My dad is in Scotland. He has become a world traveler lately and when you call you never know whether he will be in Mechanicsburg or Cuba or Alaska. Today it is Scotland.

My mom is here. My dad's brother, my Uncle Art. My kids, my traveling companion, Michael, many of you met on the trail, Zack and Chase. My sister, Marilyn. My Sister Kathy, her husband, Jeff, who was with Mike Morris, the co-chair of our finance committee through the campaign. Jeff and Mike just did yeomen service in giving us the assets to do what needed to be done for the election. My campaign manager, Keith, who is here. Donna, Mary Ellen, Brian, the staff from the Republican State Committee. All the local people who have come out and helped us.

My fellow D.A.'s, which have made it, to include John Pettit from Washington County, which it is very, very gratifying to see John in town. John has been a friend for quite a long time. Real good to see him.

Bob Graci, who I came to know very, very well during the last year as we traveled hither and yon in search of corn soup and beans and you name it on the trail.

Attorney General, Thomas Corbett; and Max Little from Sullivan County.

My staff from the D.A.'s office – my former staff, excuse me. They have made me look good for a long time, and they enabled me again to take the time that was necessary.

My former colleague as D.A., now colleague on the Bench, Rich Lewis, I appreciate him coming out. And all those I have not mentioned.

I specifically want to acknowledge Art Piccone, President of the Bar Association. As you know, the tumultuous campaign had us butting heads with others in the Bar Association, but not with Arthur himself, who was very gracious and supportive throughout the campaign. It is very gratifying to have him here.

And General Zimmerman, who was one of the first to call me after my political situation changed early in the year and said, whatever I can do, whatever you want, just go ahead. You want to put my name on something, don't bother to call, maybe call afterwards so I know it is there, but don't worry, go ahead, whatever you need.

I am reminded of General Zimmerman for another reason. I recall attending this ceremonial swearing in for Attorney General for his first term, and he commented how it was unusual to get used to being called General, he started to stand a little more upright and get a little more self-important until he got home and Mary said, fine, General, take out the garbage.

I have a special fondness for that story now because the morning after the election, our first stop was to pick up the part to fix the toilet. It is I think very important for those of us who now seem to have the first name judge to maintain a sense of humility. And I call on all of you who have made the sacrifice to be here with us this morning to help remind me of that.

While it may be appropriate to say Judge when I am on the Bench, when I am not on the Bench, I would ask your help in not letting me get so important. Heidi has assured me that won't happen and has already measured the couch that I am allowed to sleep on if

I do start to slip from the straight and narrow.

Throughout the year, I was asked what qualities I think is important for a judge to possess. And integrity, of course, I think must be at the top of the list. Patience, perseverance, intelligence, wisdom, they are all qualities we need. But throughout the year, I also mentioned the sense of humor. Because I think that too is something that will allow the right decisions to be made by someone not in an ivory tower, but someone recognizing the realities and the humanity of the cases that are before us.

The Superior Court is a busy court. And they did not allow me to wait until today to actually get on the books and start working. The middle of December, four cases—I don't mean a case, I mean big, cardboard boxes – arrived at our house, with briefs and records for those cases to which I was already assigned, months before I was able to take office.

I opened the box and I pulled the first case out. And it was relatively thin, with a couple of briefs. I looked at it, said I understand this, I think I can do this. I pulled the second one out, I said that is very nice, I can do that. Nothing real complicated. I closed the box.

I went to the office the next day and had a letter from Judge Tamilia, the presiding judge of the first panel on which I was to sit, with case assignments. I saw that case three was assigned to me. I hadn't gone to three, so I was anxious to get home. Then I saw that the rest of the first box contained case number three, a stack of several feet.

They have already had me in Pittsburgh sitting on cases. And I have been assigned a number of opinions to write already. It is a court that I am pleased to say President Judge McEwen has riding hard under his whip in getting the work done.

I think, however, that it is work I am going to enjoy. In trying to prepare remarks I came across the Athenian oath, which was something given to all citizens of Athens upon their reaching the age of seventeen, the age of maturity at that time. This oath dealt with the City of Athens, but I think the contents of it are important in application to this court.

The oath is as follows: We will never bring disgrace on this, our city, by an act of dishonesty or cowardness. We will fight for the ideals

and sacred things of the city, both alone and with many. We will revere and obey the city's laws and will do our best to incite the light, reference and respect in those above us who are prone to annul them or set them at naught.

We will strive increasingly to quicken the public sense of civic duty. Thus, in all these ways, we will transmit this city, not only no less, but greater and more beautiful than it was transmitted to us.

With your help, if somewhere down the road, when it comes to leave this Bench, we can look back and say that it was transmitted better than it was received, I will consider my service a success. Thank you.

I am also to remind anyone who is brave enough to attend the reception, because of where it is, you take Forster Street, the main street next to the State Museum, straight across the river, the third light on the right is the country club.

I would also like to acknowledge Bill Haberstroh, who I did not see coming in, President of the D.A.'s Association, D.A. of Blair County. Again, brave soul for being here.

There is also an official photographer, should anyone wish official photographs later after the ceremony.

PRESIDENT JUDGE McEWEN: Thank you, Judge Eakin.

We now call upon, for benediction, Reverend Kenneth Arthur once again.

REVEREND ARTHUR: Since we have such a good attendance, Your Honor, may I take the liberty of dumping an extra load on you?

Let us pray. Michael, may God go with you. Keep you and your family in perfect peace and health, and a life of successful achievement.

May everyone go from this place in peace, aware of God's presence in their lives.

May they travel in safety.

May they uphold the law of our land.

May they enjoy the benefits that come to all who represent truth, justice, positive moral values and compassion within our society.

We pray in the name of the all wise God and Father of us all.
Amen.

PRESIDENT JUDGE McEWEN: Thank you, Reverend Arthur.

May I offer a note of congratulations to the state authority that maintains this fine building because they serve water in martini glasses.

So, with the benediction of Reverend Arthur, for which we are grateful; with renewed appreciation to President Piccone, to General Zimmerman for their fine remarks; with deep gratitude to all of you who have traveled here, despite the elements, near and far, it has been most difficult; so I am sure that the gratitude of Judge Eakin and his family is deep.

We now, Judge Eakin, Judge Saylor, myself, declare this ceremony, the oath session concluded.

Crier Burns, will you recess the court?

CRIER BURNS: This court is now adjourned.

(Whereupon, the proceeding was concluded at 12:00 p.m.)

THE HONORABLE D. DONALD JAMIESON



April 8, 1926-

Assumed Office: February 12, 1996 - April 1996

County: Philadelphia

BIOGRAPHY

David Donald Jamieson served seven months on the Pennsylvania Superior Court in 1995 and 1996. He was an Assistant United States Attorney, President Judge of the Philadelphia Court of Common Pleas, and chairman of the Republican party in Philadelphia.

Jamieson was born in Philadelphia on April 8, 1926. As the son of Philadelphia City Councilman Donald Jamieson, he was exposed to both the political process and the importance of community involvement at a young age. His mother was Emma Matthews Jamieson.¹ He spent his childhood years in the Frankford section of Philadelphia and attended Frankford High School where he was a

¹ <http://obits.lancasteronline.com>

member of the varsity football and track teams.² Upon graduation from high school, Jamieson immediately entered the Navy V-12 Program, spent eight months at University of Pennsylvania, where he was a member of the varsity football team. He transferred to then Illinois Normal University for eight months, then to Notre Dame for five months. He injured his knee playing basketball and received a medical discharge from Great Lakes Naval Station.

Jamieson continued his education at the Wharton School of the University of Pennsylvania, graduating in 1947. He furthered his studies at the university's law school, graduating in 1950. After passing the Pennsylvania Bar Exam, he briefly worked as a law clerk before becoming an associate at Price and Propper in Philadelphia.³ Less than two years later, Jamieson left the firm and joined the Judge Advocate General's Corps (U.S. Army), where he continued his law studies at the JAG school at the University of Virginia. In the midst of the Korean War, the Army sent Jamieson to the front lines, and according to one comrade: "Don was no rear echelon lawyer." He was promoted to Captain during his tour of duty and was awarded a bronze star for his heroic and meritorious service.⁴

Jamieson returned to the Philadelphia region shortly after the war's end, immersed himself in the legal profession, and began to dabble in local politics. He received a two-year appointment as United States Attorney for the Eastern District of Pennsylvania, and in 1955 became a partner in the newly organized law firm of Richman, Price, and Jamieson. As a private practice attorney Jamieson specialized in administrative law and trial practice. His firm merged with another in 1963 and he remained as a partner under the new affiliation of Steinberg, Richman, Price, and Steinbrook.⁵ Law was not Jamieson's only passion however, and in the early 1960s he became a local leader

² Harold Cramer, "President Judge, Court of Common Pleas, Philadelphia County: Honorable D. Donald Jamieson," *The Shingle* 34 (April 1971):79.

³ "Former President Judge D. Donald Jamieson Joins Judicate," *Legal Intelligencer* 190 (27 March 1984): 1113; Cramer, "President," 34:79.

⁴ Cramer, "President," 34:79-80.

⁵ "D. Donald Jamieson Elected President Judge of Common Pleas Court of Philadelphia," *Legal Intelligencer* 163 (23 November 1970): 1198; "Former President," *Legal Intelligencer*, 190: 1113.

in the Republican Party serving as 23rd Ward Republican Leader. While local Republicans took advantage of his leadership skills, Jamieson's talent as a lawyer and growing prominence in the Philadelphia region prompted Governor William Scranton to appoint Jamieson to the Philadelphia Court of Common Pleas No. 9 in August 1965. Later that year he successfully campaigned for a ten-year term on the court in the November election.⁶

As a judge, Jamieson earned the respect of his peers and became secretary to the Board of Judges in 1979. The following year the Philadelphia Court of Common Pleas was unified under the new state constitution and after the resignation of the president judge, Jamieson (the sole nominee) was elected unanimously to fill the position.⁷

During Jamieson's presidency, the court enacted various reform measures to simplify the judicial system and to garner the respect of the people by making the judicial process more open and efficient. These new measures included voluntary arbitration of claims up to \$10,000 (civil cases), selective pre-indictment probation (criminal cases), automated jury selection procedures, and a release-on-recognizance bail program. Jamieson was a visible member of the court, speaking candidly about judicial procedures to the press and helping to settle a strike by Philadelphia teachers in 1973.⁸ Jamieson resigned as president judge in March 1975, prior to the end of both his tenure as a common pleas judge and as president judge to take a position as senior vice president of the First Pennsylvania Company and Pennsylvania Bank. "I like to think my motivation is more because I have been to the trial judge mountain top and now leave to climb another slope," Jamieson wrote on announcing his resignation.

⁶ Cramer, "President," 81; "D. Donald Jamieson Elected President Judge of Common Pleas Court of Philadelphia," *Legal Intelligencer* 163 (18 November 1970): 1161. An article appearing a week later in the *Legal Intelligencer* incorrectly states that Jamieson was first appointed to the court in 1955 ("D. Donald Jamieson Elected President Judge of Common Pleas Court of Philadelphia," *Legal Intelligencer* 163 [23 November 1970]: 1198); "Jamieson Announces His Resignation," *Legal Intelligencer* 172 (18 March 1975): 893.

⁷ "D. Donald Jamieson Elected President Judge," 163:1161; "Jamieson Announces His Resignation," 172:893.

⁸ Cramer, "President," 81; "Jamieson Elected President of the Crime Commission of Phila.," *Legal Intelligencer* 172 (12 May 1975): 1549.

“I can’t deny, however,” Jamieson added, “that the opportunity for economic advancement... and a feeling that my task is essentially finished are factors that have influenced my decision.”⁹

Jamieson continued to be active within the legal community as well as in community affairs and politics. He was elected president of the Citizens Crime Commission of Philadelphia; “[I]n view of Judge Jamieson’s broad experience and expertise in judicial affairs,” commented outgoing president Arthur C. Kaufmann, “he will make extremely valuable contributions to the commission’s activities.”¹⁰ Jamieson also joined the Judicate Panel of Judges, a private court system based in Philadelphia that offers arbitration services. He also served as chairman of the Commission of Judicial Selection, Retention, and Evaluation and of the Committee on the Constitution and B-Laws for the Philadelphia Bar Association, as well as, chairman of the Judicial Code Committee for the Pennsylvania Bar Association.¹¹ With Jamieson’s influence throughout the city of Philadelphia, various local organizations benefited from his service on the boards including the Northeast Boys’ Club,¹² the Defenders Association of Philadelphia, the Union League, the Philadelphia Council of the Boy Scouts of America, the College of Physicians of Philadelphia, Frankford Hospital, and Shriners Hospital.¹³ For example, in 1989 he led the fundraising drive for Frankford Hospital helping to raise over \$1.2 million.¹⁴ Politically, Jamieson chaired the Republican Executive Committee in Philadelphia and was unanimously reelected by the city’s 66 ward leaders.¹⁵

In the fall of 1995, Judge Peter P. Olszewski of the Pennsylvania Superior Court reached the mandatory retirement age of 70 and took senior status. Governor Tom Ridge named Jamieson to complete Olszewski’s term and the Pennsylvania Senate subsequently approved the nomination on October 3, 1995. “Judge

⁹ “Jamieson Announces His Resignation,” 172:895.

¹⁰ “Jamieson Elected President of the Crime Commission,” 172:1549.

¹¹ “Former President Judge D. Donald Jamieson Joins Judicate,” *Legal Intelligencer* 190 (27 March 1984): 1113; “Jamieson Reappointed Chairman of Judicial Code Committee,” *Legal Intelligencer* 176 (3 June 1977): 1745, 1749.

¹² Cramer, “President,” 81.

¹³ “Former President Judge D. Donald Jamieson Joins Judicate,” 190:1113.

¹⁴ Burr Van Atta, “Hospital’s Campaign Soars,” *Philadelphia Inquirer*, 30 April 1989, Neighbors Northeast.

¹⁵ Russell Cooke and Hank Kilbanoff, “Republican Ward Leaders Re-elect their Chairman,” *Philadelphia Inquirer*, 3 May 1984, Local.

Jamieson is an experienced jurist,"commented the governor's spokesman. "He can make a contribution in a short period of time." Although many were critical of the appointment because of its partisan nature (Ridge had nominated Jamieson earlier that year to fill a vacancy on the Pennsylvania Supreme Court) others argued that both Democrats and Republicans held Jamieson in high regard because of his past service as a lawyer and jurist.¹⁶ In January 1996 when Jamieson's term ended, another vacancy was created on the Superior Court by the retirement of Judge James E. Rowley. Having earlier expressed a desire to serve as a senior judge, Jamieson needed to complete a mandatory ten years of service as a judge. "Now, I am 49 days short," declared Jamieson. "It's no secret." With his 70th birthday fast approaching on April 8, 1996, Jamieson was nominated by Governor Ridge to fill the vacancy; critics denounced Ridge and Jamieson for playing politics. However, both maintained that Jamieson was well-qualified for the position. "It's safe to say that I'm not doing it for the compensation," insisted Jamieson, "I'm doing it because I love being a judge." The Pennsylvania Senate approved Jamieson's appointment on February 12, 1996, and he served on the Superior Court until he reached the mandatory retirement age of 70 on April 8, 1996.¹⁷

Following his service on the Pennsylvania Superior Court, Jamieson continued to be an active member of the Republican Party and returned again to private practice. He became a partner in the firm of Mesirov, Gelman, Jaffee, Cramer, and Jamieson, which in June of 2000 merged with Schnader, Harrison, Segal and Lewis. The Pennsylvania Supreme Court appointed Jamieson to its Civil Procedural Rules Committee in September 1999, a position from which Jamieson resigned in January 2001.

In 1962, Jamieson married Nanette Lucile Detrick and they had two children. At present, Jamieson is retired and resides in Florida.¹⁸

¹⁶ Russell E. Eshleman, Jr., "Jamieson Gets Superior Court Seat," *Philadelphia Inquirer*, 4 October 1995, City and Region; "Philly GOP Head Confirmed to Superior court," *Pennsylvania Law Weekly*, 9 October 1995, p.3.

¹⁷ Peter J. Shelly "Ridge Taps Jamieson - Again," *Pittsburgh Post-Gazette*, 31 January 1996, State; Editorial, *Pittsburgh Post-Gazette*, 1 February 1996, p. A8; Robert Zausner, "Court Appointment Draws Charges of Cronyism," *Philadelphia Inquirer*, 13 February 1996, City and Region; "Capitol Report," *Pennsylvania Law Weekly*, 19 February 1996, p.9; Mary Ellen Fox, "Keeping Track of Superior Court Turnovers," *Pennsylvania Law Weekly*, 11 March 1996, p.11.

¹⁸ Cramer, "President," www.martindale.com; <http://obits.lancasteronline.com>.

THE HONORABLE BERLE M. SCHILLER



*June 17, 1944 –
Assumed Office: June 7, 1996
County: Philadelphia*

INDUCTION CEREMONY

June 7, 1996
Room 653, City Hall
Philadelphia, Pennsylvania
3:30 P.M.

PROCEEDINGS

COURT CRIER: Oyez, oyez, oyez, all matter of persons having business before the Honorable Justices of the Supreme Court and Judges of Superior Court of Pennsylvania here holding will now appear and they shall be heard.

God save the Commonwealth and this honorable court. The Honorable Stephen J. McEwen, Jr., presiding.

PRESIDENT JUDGE McEWEN: Thank you, Crier Morrissey. Good Afternoon.

May it please the assembly, the Governor of the

Commonwealth, Tom Ridge, has proclaimed and the Senate of Pennsylvania has declared that Berle Schiller shall be a Judge of the Superior Court of Pennsylvania.

Thus it is that we assemble this afternoon for the ceremony and the oath for Berle Schiller as a Judge of the Superior Court.

May I assure you that it is a most happy occasion. I recall so well when I took the oath of office as Superior Court Judge on a warm, sunny, spring afternoon, just as today, May 15th, 1981, to be precise, that it was an unforgettable and is an unforgettable memory.

Once again, today, we have a warm, sunny, spring day, for the ceremony of the oath of Berle Schiller and just as this assembly is aglow with joy, so this day will be constantly bright in his memory.

This storied courtroom, Room 453 in City Hall, has been the scene of many a ceremony of the oath for officials and Judges of William Penn's Commonwealth and of the City, and each one has been distinctive and each one ripe with happiness shared by family and friends.

We judges are always witnesses to those bright and happy and joyous welcomes. This afternoon, we Judges are not only witnesses to this bright, happy and joyous occasion, we are full participants in that happiness, for the oath of office of Berle Schiller takes and makes him one of us, our associate, our partner, our colleague and, ever so importantly, our friend.

Berle, we welcome you.

Our master of ceremonies for this auspicious event, our MC, our interlocutor, is that superb advocate, that splendid lawyer, the pride of Fairmount, home of the Schuylkill lady, and, as Berle once said, he's so striking and debonair and smooth that if he decided to be an anchor man, he would relegate Peter Jennings back to all-night radio. May I present Attorney Tom Leonard.

(Applause)

MR. LEONARD: Thank you very, very much, Your Honor, for that splendid introduction.

I couldn't help but note, as I listen to the similarities between your swearing in and Berle's swearing in, that Berle will be the President Judge some day giving those similarities, although I guess he has about 15 years to wait. If you started in '81, he's got to go 15

more years.

It's a great honor to be here today. It's a great honor to be part of this splendid event.

It's a tremendous loss for the Federal Government that Berle has ended up here today, but it's a great event for the Superior Court of Pennsylvania. It's an outstanding court and Berle will add to its luster and the credibility it has throughout the United States of America.

I'd like everyone to rise now for the Pledge of Allegiance led by Ms. Maggie Sall Schiller, and remain standing for the Invocation by Rabbi Dayle Friedman.

(Whereupon, the Pledge of Allegiance was recited.)

MR. LEONARD: Rabbi Friedman.

(Whereupon, the Invocation was given.)

Thank you very much, Rabbi.

There are a number of speakers on the program today, so I will keep moving the thing along.

Our first speaker is the fellow who has had the pleasure of trying to keep Berle in line for the past couple of years.

Berle, as you know, is chief counsel to the Federal Transit Administration in Washington, a job with awesome responsibilities, and the Administrator of that system is in charge of all the buses and trains and rolling stock throughout the United States of America.

The Clinton administration was very fortunate to recruit somebody from Philadelphia who has an outstanding background in mass transit, a recognized national expert, and we're glad to have him back in the city, my good friend, Gordon Linton. (*applause*)

MR. LINTON: To the members of the Supreme Court, all the Justices that are here today, the ladies and gentlemen, all who have gathered here today, I bring greetings from the President today to one of those that he has picked from Pennsylvania to serve in his administration.

I'm honored here today to appear at the swearing in and the elevation of Berle Schiller to the Superior Court of Pennsylvania.

And this is, indeed, just one more step in a distinguished career of public service.

Having served once on the judicial nominating commission for

the Commonwealth of Pennsylvania, I have given great thought often to the attributes that one must have in order to serve as a good judge. And as I consider those, there are several, including good judicial temperament, knowledge of the law. And there's no question, having had Berle to advise me the last couple of years on many intricate legal matters, that he does possess tremendous knowledge of the law, but the capacity to make thoughtful decisions.

Those are all very significant attributes that one should have in order to be elevated to the Superior Court of the Commonwealth of Pennsylvania.

But I also think that one has to have a rich and expansive life, one full of experiences, where you have been exposed to both the challenges and the rewards, as well as the mysteries of life.

And one can use those experiences to, in fact, provide the balance of justice, and one can use those experiences to breathe life into the dull and dry and sometimes boring laws that appear upon the books and make sure, as we render justice, that we breathe that life into those decisions.

So, we know that Berle Schiller has those attributes and, indeed, that Governor Ridge made a good choice in nominating him to the Senate for confirmation to be a Superior Court Judge.

And if I can say anything that is a tribute to the balance that he will bring to the bench, it's the fact that Governor Tom Ridge, Senator Vince Fumo, and Administrator Gordon Linton all can agree that Berle Schiller is a good human being and would serve balance in the Commonwealth of Pennsylvania, and if any of you in this audience know those three individuals and the fact that we all can agree that he, in fact, would serve the Commonwealth of Pennsylvania and the Superior Court Judge is a testament to the balance that he will bring to Pennsylvania.

So, I am indeed honored once again to be here on behalf of his elevation. But, as was stated earlier, we at the Federal level will miss his capacity to provide guidance to the nation, as he has helped me over the last two years to make sure that we can improve the quality of life for all of those that are in America.

And now you have once again your shining star to return to you in Pennsylvania to once again provide his wisdom, his knowledge and

his good heart to all those who are in the Commonwealth of Pennsylvania. He's, indeed, a unique, caring, beautiful individual, and we're glad to have the honor to see him serve on one of our highest courts in the Commonwealth of Pennsylvania.

There is one other task that I have before me today, and I want to do that. And Berle, you can stay where you are. I won't ask you to come up to receive this now.

But let me just say that I have the pleasure to present to Berle today the Superior Achievement Award. A distinguished service as chief counsel to the Federal Transit Administration, June 1994 to May 1996, his spirit, advocacy of transit, support of his staff and clients, wise counsel and capacity for friendship, exemplifies the highest ideals of public service.

We also have a Bronze Medal, as well.

These are the highest awards that can be received by someone who serves in his capacity for the United States Department of Transportation. And we will present those to him, as well.

Congratulations, my friend. (*applause*)

MR. LEONARD: Our next speaker has been described as the most powerful man in Pennsylvania. And to become the most powerful man in Pennsylvania, you need good counsel and good friends. He's had good counsel and a good friend for years in Berle Schiller.

And when Governor Ridge asked that Senator Fumo search the entire Commonwealth of Pennsylvania to find the man most qualified to go on the Superior Court, it didn't take him long to settle on that individual. And it's a great pleasure to introduce the most powerful senator in Pennsylvania, our friend, Vince Fumo. (*applause*)

SENATOR FUMO: I told Tom, all he does is make me a bigger target by saying that stuff.

But Mr. Justices, Madam Justice, and members of the Superior Court, I guess my role here today is to tell you a little bit about Berle and to introduce him to his future colleagues to be.

He is, first and foremost, an honest, caring, forthright individual, and a very good friend of mine for almost some 30 years.

Berle and I go way back to a luncheon that we had in Philadelphia, to the old days, when neither one of us knew what

power was. And I had met Milton Shapp on the '66 campaign and met Berle and I actually ran into him again in Pittsburgh and he said his nephew was going to call me.

And I felt very honored that this millionaire's nephew was going to call me. I was a struggling school teacher in South Philadelphia. We went to lunch in Center City. And a good thing I had some money with me. Berle got up-, looked at the check, "Your half is" –

But he still owes me a lunch that he's going to pay for completely.

Berle and I have shared a lot together over the years. We've shared good times and bad times and great times and tough times.

When Milt got elected, Berle and I were on the transition team.

And for those of you that are acquainted with patronage, something happened that could never happen again in Pennsylvania. You could not get a job east of Harrisburg unless Berle and I said it was okay.

And that's really serious stuff. If you wanted to be a prosecutor in the Department of Justice, we had to say it was okay. If you wanted to be a secretary, we had to say it was okay.

And we were two very young, idealistic people in those days and didn't understand the power we had, and I guess that's fortunate, because no one else will ever have it again, so it's never been misused.

But throughout it all, Berle has been a very close, close friend of mine, almost like the brother I never had. And I know his family well and I've spent times with his family in New York, when they showed me how to fish in the wintertime on the beach.

I never knew that there was a beach in New York City, but there is where Berle lived.

And for those of you that don't know it, Berle is an avid sportsman. And we certainly want to tell everybody that, because he still has to run for this office. He is a hunter, and although those of you are familiar with my great gun collection, Berle has actually shot a deer. I have never been as fortunate. And he got too frustrated with gunning so now he's an archer as well as a great fisherman.

So, I'm sure that will help him through in his days ahead, but I think more than anything, he will be honest and he will be fair with

those cases that come before him and we look to him to be a leader on that court. And my objective, as I look around me, is to some day be so conflicted out that no judge will be able to hear a case that I have.

I don't have enough on the Superior Court yet, but we're working on it.

But, with that, Berle, congratulations.

I do want to say one thing. When the vacancy did exist, I figured well, now, how am I going to get this exactly done with the democratic leadership, which is sometimes fractured? When I brought Berle's name up at the leadership meeting, every single member of the leadership said that's a terrific idea and without me having to sell it or lobby for it, and that's an indication of the friendships he's made and the relationships that he's developed over the years with diverse members of the Senate, at least, throughout the Commonwealth. He is well thought of and that is a credit to him.

So, with that, Berle, congratulations, and with much love and friendship.

Thank you. (*applause*)

MR. LEONARD: The one thing Senator Fumo forgot to mention about Berle's sportsmanship is that he was a great athlete in college, he was a great baseball player, and he went on to play a little semi-pro ball. And he's a good pitcher, a very good pitcher, and he's a junk ball specialist.

That may not be surprising, given all the things he's done in his career.

The Mayor of the City of Philadelphia was scheduled to be here with us today. He also is a great friend and admirer of Berle's. He has been unavoidably detained and we are very fortunate to have with us the individual who really runs the City of Philadelphia to stand in for him, David Cohen. (*applause*)

MR. COHEN: I can get in a lot of trouble here.

Good afternoon, members of the Supreme Court, Superior Court.

This actually is a rare privilege for me, because instead of sitting in my office and saying no to a lot of people, which would be my normal summer Friday afternoon activity, I can participate in what is really a joyful experience for someone who has become a friend of mine and has been a long-time friend of the Mayor's.

The Mayor, by the way, is at a funeral of a close friend of his and had hoped that he might be able to get here, but the funeral did not start until 3:00 o'clock. So it's unlikely that he'll be able to make it here.

And I will say that I think back to when Berle was first interested in the position of general counsel at the Federal Transit Administration and I remember asking Berle why he wanted to do that job. And I did not realize at the time what a significant role that agency plays with public transit, which is so important in the City of Philadelphia.

And since Berle has been down there, it is safe to say that he and I have spoken considerably more frequently than before he went down there. And although Gordon is still at the helm, Philadelphia and SEPTA have lost a great friend and a great ally and someone who has been enormously effective on transportation issues for this city and this region. And there is really no way to replace that at all.

But it is my pleasure to read a letter from the Mayor. I will note the Mayor made me say this. The Mayor wrote this himself. I had nothing to do with the drafting of it.

And it's to the Court and friends of Berle Schiller: "I want to offer my hardest congratulations to Berle for his induction as a Judge on the Pennsylvania Superior Court. To be appointed to this appellate court, which is so important to the administration of justice and our Commonwealth, is truly a great honor. I am sorry that a funeral for a good friend prevents me from offering my congratulations in person."

"Today is also a great day for the people of Pennsylvania, because they are gaining a superb new Superior Court Judge. Berle Schiller is not only an excellent lawyer, but, more importantly, his personal qualities of fairness, integrity, patience, weight and courage will guarantee us this."

"So, congratulations to Berle, to his family and to all of us who care about our justice system."

"Sincerely yours, Edward G. Rendell, Mayor of the City of Philadelphia."

Congratulations, Berle. (*applause*)

MR. LEONARD: The next speaker is one of the leaders of the judiciary not only in Pennsylvania, but around the United States. He

is someone who is recognized as a scholar. His opinions are thoughtful, well done, well written. He provides leadership to the Pennsylvania Supreme Court, not only intellectually, but in every other aspect.

It's a great honor to introduce Justice Stephen Zappala.

MR. JUSTICE ZAPPALA: Thank you, Mr. Leonard.

Judge McEwen, my colleagues on the Supreme Court, Madam Justice Newman, Russ Nigro, and my dear colleague, Frank Montemuro, members of the Superior Court; I notice the President Judge of the Common Pleas Court here in Philadelphia, Judge Bonavitacola; members of the Commonwealth Court, members of the Court.

Indeed, it is a pleasure and I consider it to be a pleasure and an honor to participate in today's happy and joyous occasion.

Such an occasion, however, should be reflective of the great concerns and the responsibilities that one will now undertake. No office in this country holds such awesome power and permanent power. With the stroke, Berle, of a pen, you may separate a family, you may remove children, you may take property, you may confine ones person. Such power, unconstrained, will lead to ultimate tyranny.

The office you will now take, Berle, must therefore be viewed with honor and dignity, and I dare should say, approached with great caution.

There are, I tell you, certain basic qualities that all good judges strive to achieve. One must never fear for the lack of attaining such goals, but one must be fearful that you could hesitate to reach such heights.

The general qualities which are necessary for a judge are such things as personal integrity, honesty, moral conviction, and dedication to the law.

With these qualities, one should always remember that they should grace the robe both with caution and, as I indicated, with dignity, and yet you should always remember that the judgments which you will pass today upon others will some day be passed upon you.

The law as you know it must continue to be fair, it must be equally applied, and it must be exercised with reason and good common sense.

The judiciary, unfortunately, Berle, shall always be under attack, for that is the very nature of its institution. Some will be pleased, while others will be desperate to the very existence of trying to remove the independence of its separate branch of government.

Although these attacks may be unfortunate, they are neither surprising and they will continue forever.

There are reasons, however, for these attacks. Aside from those who are participants in the judicial system, the public itself expects much of its judges. And rightfully so. But they reject the thought that any human frailty should be tolerated under judicial robes.

The public, dare say, does demand too much. The tide and the currents which involve other men do not pass the Judges by.

Judges, too, acquire instincts, they acquire habits, they acquire emotions and experiences. There is, therefore, imposed upon them, as imposed upon all men, the traditions of the groups to which birth, geography, education, occupation and fellowship have exposed them.

No effort could utterly overthrow these subconscious preferences and these loyalties, but only good conscience, self discipline and judicial temperament can help to emancipate the Judge from the suggestive power of these likes, these dislikes, and these predispositions.

Generally, if the Judges of this Commonwealth fall short of required standards, it is simply because humans cannot attain the perfection that we seek in the land and the law which we administer.

A judge is expected to have the morality of a priest, the reasoning powers of a Plato, the legal knowledge of a Blackstone, the judgment of Solomon, and the patience of Job.

None has quite made it, Berle, but there are a few who do not dare to try.

Knowing then, what is expected and hearing what is ahead of you, it as far wonder that you would undertake such a challenge. Suffice it to say that you have and you will have the tenacity, the skill, the knowledge and the patience and the intelligence to succeed.

The responsibilities, therefore, are now yours. May I congratulate you on this fine day as to the challenge. At the same time, may I console you as to what lies ahead. But I do believe, Berle, however, that you will be one who will grace the robes of this

Commonwealth with your honor and dignity.

God bless you. (*applause*)

MR. LEONARD: Thank you, Justice Zappala, for those truly thoughtful words.

It's always a close call when you're up at the podium whether to try to recognize people in the audience, and since Berle has to run next year, I think I'll try to do that, although I apologize in advance to those of you whom I missed, because this is truly a star-studded courtroom.

I want to begin by continuing the bipartisan nature of this and recognizing the Republican State Senator from Pennsylvania who helped make this possible, another good friend of Berle's Senator Hank Salvatore. (*applause*)

I think we refer to him as the most powerful Republican Senator in the Commonwealth.

We are also fortunate to have with us the hard-hitting District Attorney, Lynn Abraham. (*applause*)

There are a number of judges in the courtroom, and I'm sure I'm going to miss some of you, but I'll recognize those of you whom I've seen.

From the Commonwealth Court, we're fortunate to have Judge Mirarchi. (*applause*)

From the Common Pleas Court, Judge Manfredi. (*applause*)

The President Judge of the Court of Common Pleas, Judge Bonavita. (*applause*)

I guess I should have started with you, Your Honor. I got that a little out of order. I apologize.

The President Judge of the Municipal Court, Judge Siberstein. (*applause*)

And other judges that I will introduce shortly when you remind me that you're here.

There is one addition to the speakers' list today. And this is an addition that may concern Berle. I'm not sure. But shortly before the ceremony today, his wife, JoAnn, asked if she could say a few words. And I think that we may find out the truth about Berle now.

JoAnn.

MRS. SCHILLER: Today several people have spoken about

Berle's legal abilities. So, in keeping with the crowd, I tried to think about how I may have come in contact with some of those professional skills, and a couple of things came to mind fairly quickly.

First all, early in our marriage, it was really easy to understand his professional skills, because he thought I worked for him. I put him on a 90-day probationary period and told him if things didn't work out at the end of the 90 days, either he would be fired or he wouldn't get a raise. We resolved those issues quickly.

The second, perhaps, is even a bit more revealing. We have four children, three of whom, Jonathan, Joseph and Abby, are in college, which means we had three kids in high school at the same time, and even scarier than that, it means we had three teenagers at the same time.

During those years, our dinners spoke to Berle's qualifications in the legal profession. Berle was a practicing attorney at the time and Berle is a man who keeps his options open and at a time never quite sure what directions his legal career would be taking, always the anticipator and wanting to be prepared, decided to role play at dinner all possible positions in the legal field.

Now, sitting down to the dinner table, he made an attempt to be the benevolent father. He would ask the kids, "So, what did you guys do today? How was school?"

Unsatisfied with the typical teenage response of, "uh," Berle would then assume the role of a lawyer. He skillfully would begin to interrogate and grill his children.

"What did you do today? Who did you do it with? What time did it happen?"

Upon hearing the answers, he then assumed the role of all 12 men and women on the jury and deliberated the facts and handed down a verdict.

In preparation for the future that is now here, Berle donned his invisible robe, slammed down the gavel and sentenced his children to a variety of consequences.

Back then, if you would ask his children what kind of judge he was, they would tell you swift and harsh. Today, those children are young adults and I believe, in retrospect, they would tell you he's both wise and fair.

I don't need to wish Berle good luck. Although I do believe

there is an element of uncontrollable luck in almost everything we do, I also believe that we control most of what we do. And Berle is a man who creates his own choices and knowing there is no choice but to take life as it happens, he seems to have a knack of making it happen the way he wants.

I used to come home once in a while from work through the years and complain about my boss or my colleagues and there was perhaps a bit of maliciousness in my voice. Berle's responses were always, "be patient, it's a round world, people eventually get what they deserve, cream rises to the top."

Today, there are no negative undercurrents in my voice. Today, I know those phrases cut both ways.

A position on the bench has been a dream of Berle's for years, and today his dream is coming true and today Berle is getting exactly what he deserves, and it is indeed accurate that cream does rise to the top.

His professional qualifications are important, but I was thinking that if someone were to sit in judgment of me, I would want them to have more than just a stellar resume.

I would like to read a letter that was written to Berle from one of his colleagues on his last day as chief counsel. And I apologize to the author of the letter; I didn't have the opportunity to let that person know that I was using it, but it so graciously sums up Berle that I wanted to share it.

"Dear Berle, on the evening of Friday, May 24th, your last day as FTA's chief counsel, we finally got off to see *Il Postino*, which turns out to be the most moving and powerful movie we've seen in years. Your departure earlier that day only intensified its heart rendering poignancy."

"I thought of you immediately when Mario, the postman, tells Don Pablo, 'When you left, I thought you took all the beautiful things with you, but now I realize what you left to me.'"

"Now, Don Berle, you left me and us, but we have more than just beautiful memories. You've also left us tools to improve ourselves as lawyers and as people. We have only to pick them up and use them. If we do, perhaps we can live up to your example of spirited advocacy, selfless support of colleagues, wise counsel and capacity for friendship and fun. That's the challenge before us. It is, I think, the best way we can honor your distinguished service as our chief counsel."

Those of us who know him and love him are tremendously proud of his successes and of those yet to come. He is a man who cares deeply and with great passion and compassion for the things he loves and especially for the people he loves. He has touched the lives of so many in many different ways and we are all, every one of us, in some way better off because of that.

I have heard the Superior Court is a court of fine minds, of great integrity and professionalism. As one who knows Berle best, I can only tell you that Berle's appointment to the bench is a good deal for both sides.

I am delighted to have Berle home again from Washington. And many people have asked me how it is to have him home after two years, and I tell them it's like being married again, only all the hard parts are over.

I'm an independent woman. I have a mind of my own and opinions of my own. I make my own decisions. I've had many personal and professional successes all of my own, but in all the years that we've been married, I've never flinched, I've never felt the need to protest, I've never felt the need to be defensive when someone says to me, "Oh, you're Berle's wife."

And except for the times when Berle is quietly discussing the future with Jonathan or loudly arguing preferred lifestyles with Joseph, or helping Abby with a paper for political science, or playing jacks with Maggie on the kitchen floor, except for those times, I've never ever been prouder to simply be Berle's wife. (*applause*)

MR. LEONARD: I've always envied Berle, but after hearing that speech, I envy him even more.

You're a lucky man Berle; you have a wonderful wife. (*applause*)

Before we read the Commission, I think it appropriate to acknowledge the members of Berle's family who are here in the jury box. And I'm going to ask them all to stand for a round of applause. (*applause*)

Our presiding judge, Judge McEwen, will now read the commission.

PRESIDENT JUDGE McEWEN: Thank you, Tommy.

Before I do, I can tell you and Tom realizes that I have a bit of an enhanced view here, so I can pick out some of those names of the

judges who are present.

Some of them have spots in the front here, so it's easy for me to look for them out there. There are some shy, retiring souls; they prefer to be in the body.

I see Judge Jerry Zaleski, Judge Jack Snyder, Judge Steve Levin, Judge Dick Klein, Judge Sandy Moss.

Also in the front pier, there are seats reserved, but in similarly shy fashion some people call him Doctor Newman, others call him Campaign King, but Julius is out there somewhere I know.

There he is.

We have Judge Furber from Montgomery County. Representative Lita Cohen from Montgomery County, as well.

And there, of course, is the assembly of the Court.

And Judge Myrna Field. I'm sorry, Judge; I beg your pardon.

How can I say, in that resplendent, beautiful summer outfit that I missed her, but I did.

Of course, this assembly is pleased to have with us upon the bench Justice Russell Nigro, Judge Pat Tamilia, all the way in from Pittsburgh for this ceremony. Judge John Kelly, Justice Frank Montemuro, and the venerable Judge Sydney Hoffman.

Now, I note in the front row, I think the only people I missed, they're not judges, but I can tell you, it's budget time, so I am going to introduce Jane Fumo and Allison Fumo. (*applause*)

All right. The official part.

Berle, will you come forward to the Bar, please.

And will JoAnn as well as Morris, Berle's father, come forward.

I know we have a robe. There is a robe coming up. All right.

Not quite yet, Bob, but get ready.

Will you place your right hand on the Testament. JoAnn will hold it and with dad as witness and this entire assembly as witness, Berle, I read the commission.

"Berle M. Schiller of the County of Montgomery, in the Commonwealth of Pennsylvania, greetings of the Governor."

"Whereas, a vacancy has occurred for the office of Judge of the Superior Court, therefore, know ye that, reposing a special trust and confidence in your prudence, integrity and ability, and under the authority of the Constitutional laws of the said Commonwealth in

such case being provided, I have nominated, and by with the advice and consent of two-thirds of the members of the Senate, have appointed and do by these presence commission you to be Judge of the Superior Court, to have and to hold the said office together with all the rights, powers and privileges thereunto belonging or by law in anywise appertaining, until the first Monday of January, 1998, if so long you shall behave yourself well in office and perform the duties required by law. This appointment to compute from May 13, 1996.”

“Given under my hand and the Great Seal of the State at the City of Harrisburg this 13th day of May Anno Domini 1996 and of the Commonwealth the 220th, Thomas J. Ridge, Governor.”

On behalf of the Governor and attesting Yvette Kane, Secretary of the Commonwealth.

And so readth the conclusion. May I now ask Justice Sandra Newman to proceed with the administration of the oath.

MS. JUSTICE NEWMAN: Well, I first just want to say something from the Proverb which, Berle, I think is most fitting for this day: “When the righteous are in authority, the people rejoice, but when the wicked bearith rule, the people mourn.”

And that’s why all of you, all of us, your family, your friends, your professional friends, we’re all here because we all know that you are righteous and we are proud to be your friend. And I might add, I am most proud to administer this oath to you today.

Will you please say after me, Judge Schiller: I, Berle M. Schiller—

JUDGE SCHILLER: I, Berle M. Schiller—

MS. JUSTICE NEWMAN: Do solemnly swear—

JUDGE SCHILLER: Do solemnly swear—

MS. JUSTICE NEWMAN: —That I will support, obey and defend—

JUDGE SCHILLER:—That I will support, obey and defend—

MS. JUSTICE NEWMAN: —The Constitution of the United States—

JUDGE SCHILLER: —The Constitution of the United States—

MS. JUSTICE NEWMAN: —And the Constitution of this

Commonwealth—

JUDGE SCHILLER: —And the Constitution of this Commonwealth—

MS. JUSTICE NEWMAN: —And that I will discharge the duties of my office with fidelity.

JUDGE SCHILLER: —And that I will discharge the duties of my office with fidelity.

MS. JUSTICE NEWMAN: Okay. And Mr. Schiller, if you will now robe your son, Judge Berle Schiller. (*applause*)

JUDGE SCHILLER: Distinguished Justices of the Supreme Court, Judges of the Commonwealth Court, my new colleagues of the Superior Court, Judges of the Common Pleas and Municipal Courts, public officials, family and friends.

There is a Talmudic admonition that says that he who chases after honors, they will flee from him, but he who does not chase after honors, the honors will come.

Two months ago, I never was even considering the possibility of being a Judge of the Superior Court and I received a phone call asking if I would be interested. And, of course, it came as quite a shock, since I was still in Washington.

This was a Saturday night. I was home for the weekend. And I thought about it. I didn't have to think very long, I might add. And said I would really love that challenge.

But things, as you know, do not happen in a vacuum. Many people were involved and many thank-yous are never enough.

Alexis deTocqueville came here in the 19th Century from France because he wanted to study what it was about the United States and our system of government that enabled it to be so successful.

One of the things he found out was that Americans are joiners. Not just political party joiners, but joiners of social clubs, church groups, community groups. And they all intersect with shared values and relationships. All these things have a tendency to come back.

Senator Fumo and I, as you've heard, go back many, many years. I'm proud to say I was his first lawyer. He was not a lawyer at the time that we met. He was a teacher at Bishop Neumann. And he was very dedicated even then to his community.

I remember representing him when he was trying to get the neighbors to plant trees on Moore Street.

I thank Governor Ridge for having the wisdom to send my name to the Senate.

I thank Senator Salvatore, as chairman of the Senate Rules Committee, for helping shepherd my nomination through.

And Representative Lita Cohen, who is my neighbor and my State Representative, who was involved and helpful in discussing my nomination with other members of the Senate.

I want to thank for their sage, counsel and advice, Justice Newman, who is not only a close family friend, a former partner, but almost like family.

I want to thank Justice Zappala and Tom Leonard, who have both been with me through many things and have been very helpful.

And, of course, I want to thank a group of people for their support from Washington.

Gordon Linton spoke and I thank him for the opportunity of being able to serve with him.

Joline Molitoris, who is the Federal Railroad Administrator, has come to participate in these festivities, and I appreciate her advice and counsel. Her father was a judge and she was very free and helpful in her advice on how I should behave.

My former deputy, Greg McBride, who is one of the finest lawyers I've ever met. And the United States should be very happy and proud to have a career public servant of his quality.

And, I might say, he's back here today. He's originally from Pennsylvania, went to Neshaminy High School. And I can't tell you how happy I was the first day I came to work and met my chief deputy, who happened to be from Pennsylvania, and a former state wrestling champ.

Judge Furber can understand this. His sons were both wrestlers and you know what it takes for kids to go to the finals in the state.

I'm sorry the Mayor was not here. He and I go back to when we took the bar exams and we have been through a lot together.

I want to thank President Judge McEwen, because I knew Judge McEwen when he was district attorney in Delaware County and when my nomination went over to the Senate, Judge McEwen

was someone who was very special in those early days before I started work on the Court and took time out of a very busy and filled schedule and came personally to my house on a Saturday morning to share in my joy of being confirmed by the Senate.

I want to thank the staff of the Superior Court, who have made my coming there a pleasure.

My in-laws, Betty Lou and Leonard Malmud, who took three children as their own grandchildren and treated them the same as Maggie all the years that JoAnn and I have been married.

I want to thank Ruth Arneo very much for her help in catering. She was involved in making sure everything was done and helping me with the printing of invitations.

So many people have been helpful to me and will continue to be helpful to me because no man is an island and no one should think that they are.

I want to thank those who traveled from all over the United States, as far away as Colorado, Florida, Washington, New England. But, by far, the longest trip was my father. His is a story not unlike many stories in this room. Like this ceremony, a celebration of what America is all about.

His family fled Russia. My father was born in England. They were not allowed to come in because of the immigration laws. The family went to Johannesburg and, then, was able to come through Ellis Island.

And those of you who have visited Ellis Island and looked at those pictures on the wall, they could be your family. If you look at the faces, you see so many familiar faces and family.

I've always believed in the statement that said a man should so live that at the close of every day he can say I have not wasted my day.

And my mother, who can't be here today because she is at a nursing home, and my father worked their way through college and helped support their families. And they instilled in all of us, my brothers, my sister and me, a love of learning, an appreciation of art, music, culture, religion and history.

We were encouraged to participate in recreational and community activities. And they did it all with a sense of grace, style, humor and integrity.

You've all heard from JoAnn. You may have read in the biography a little bit about her, but there is a selection of portions from Proverbs that goes like this: A woman of valor who can find her price is far above rubies, she doeth her husband good and not evil all the days of her life. She looketh well to the ways of her household and eateth not the bread of violence. Strength and dignity are her clothing and she laugheth at the time to come. She openeth her mouth with wisdom and the law of loving kindness is on her tongue.

She's an author. She got on-the-job training. The book she wrote was "Stepmothers, Keeping It Together With Your Husband And His Kids.

When she and I were married, my three children were living with us, ages eight, seven and five. She helped me and assumed an active role as they matured through school and now college. At the same time, we added Maggie to the family.

Meanwhile, JoAnn went back to school. She got a Master's degree at Temple and graduated with the highest grades and led 6,000 graduates into the hall.

It was great. I had everybody post their grades on the refrigerator. The kids just never got a pass when it came to comparing their grades with JoAnn.

When I joined the Clinton administration, she stayed in Pennsylvania while I commuted for two years. I went down on Sunday nights and came back Friday nights and stayed with the family.

Finally, I remember when I first started, first got out of law school, and I called my father the first time I had a client. I was 24 years old. And it was a small matter. It wasn't a big matter. But I remember it being my first one. I called my father and I said, "I cannot believe being a lawyer, where people put their trust, faith and fortune on your judgment."

And those of you who are lawyers, you remember that first time when it hits you. It's truly a humbling moment, a moment of truth.

And I'm reminded of the saying that goes, who is wise, he who learns from all; who is strong, he who controls his passions; who is rich, he who is happy in his lot; who is honored, he who honors his fellow man.

Now, 28 years later, I'm in another new beginning, awed by the responsibilities, secure in my grounding, assured of my support, and confident that I will make you all proud.

Thank you very much. (*applause*)

MR. LEONARD: Congratulations, again, Berle.

Berle asked me to tell everyone that there is a reception immediately following the ceremony in the Conversation Hall, which is on the second floor of City Hall, and you are all invited to join us for festivities there.

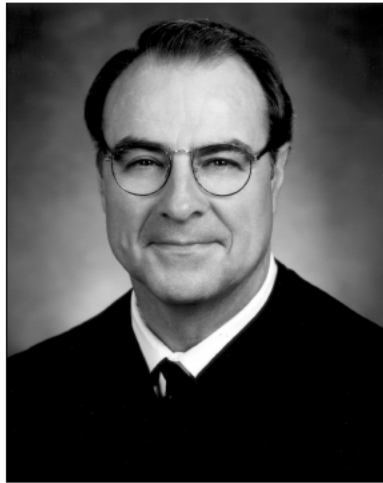
And, now, I'd like to ask Rabbi Friedman to close the program.
(Whereupon, the Benediction was given.)

PRESIDENT JUDGE McEWEN: And so it is with an expression of appreciation to the Judges of the Common Pleas Court of Pennsylvania and their President Judge, Alex Bonavita, for serving as host for this celebrated ceremony, and with particular gratitude to each and every one of you who has traveled to this assembly this afternoon and made this a memorable occasion for Judge Berle Schiller, I ask the criers, Bruce Cassidy and Bob Morrissey, to adjourn this Ceremonial Session of the Pennsylvania Superior Court.

COURT CRIER: This Special Session of the Superior Court of Pennsylvania is now adjourned.

(Whereupon, the ceremony was concluded.)

THE HONORABLE MICHAEL T. JOYCE



*February 24, 1949 –
Assumed Office: January 5, 1998
County: Erie*

INDUCTION CEREMONY

11:00 a.m.
Friday, January 2, 1998
Erie County Court of Common Pleas
Erie, Pennsylvania

PROCEEDINGS

JUDGE MCEWEN: Good morning. What a glorious day in Erie for more reasons than one. The days and evenings of early January overflow with Ceremonies of the Oath as officials in every town hall and courthouse across the Commonwealth take the oath of office. Hundreds, perhaps thousands do so. Each one distinctive and each one bright with shared happiness by family and friends. We Judges who administer the oath to individuals, who have opted to serve their citizenry in government, are witnesses to and flourish upon that happiness and joy and those great moments.

This morning we are not only witnesses to the bright moments, we deeply share as full participants in the happiness and joy, for the oath which Mike Joyce takes will make him one of us, our associate, our colleague, and our friend.

The Ceremony of the Oath for which we gather is, by definition, a most solemn occasion, a most reverent event, since the oath to be taken rises above any contract, goes far beyond commitment, for the ceremony of the oath is a solemn pronouncement of a covenant which summons the Almighty to witness the profession of the oath by Mike to serve the citizenry of the Commonwealth. The Ceremony of the Oath, is, as well, a moment of passage, for it is a solemn promise to perform new duties with dedication, to confront new challenges with determination and to continue to serve the justice system of the Commonwealth with zeal.

And so we welcome all of the family and friends of Judge Michael T. Joyce, and the Bar and Bench of this monumental historical county, as we call for the Ceremony of the Oath to commence and ask the Reverend William Sutherland, Pastor of St. Patrick's Church, to lead us in the invocation, and if you will all rise.

REVEREND SUTHERLAND: Let us pray. Almighty God, from the earliest dates, Your greatest gift to those in authority over Your people was the gift of wisdom. When you, Lord, offered Solomon any gift, Solomon answered, "Give Your servant wisdom to judge Your people and to distinguish between right and wrong." You, Lord, said, "Since you have asked me this, and not for long life or wealth for yourself or for vengeance against your foes, but for discernment in administering justice, I will do what you have asked, I will give you a wise and discerning heart."

Loving, God, give the gift of wisdom and discernment to Judge Joyce and to all of those in our judicial system. Grant them clarity of purpose, integrity of heart, and a desire to protect the rights of all men and women. In the administration of justice help them never to lose sight of the dignity of all people and the basic goodness You have placed in all Your children. Let them find fulfillment in their responsibilities, exercising them with understanding, compassion and care. Grant these things, Lord, for Your glory, forever and ever, amen.

JUDGE MCEWEN: Thank you, Father Sutherland. You may be seated. The next person to address the Court and family and friends of Judge Joyce will be His Excellency, the eminent Governor of Pennsylvania, Tom Ridge, and how honored all of us are that he is with us today. Governor Ridge.

GOVERNOR RIDGE: May it please the Court, distinguished Jurists, Your Honor, Judge Michael Joyce, your family and your friends. It gives me a great deal of personal pleasure to be with you at this time, in this magnificent courtroom, to celebrate not only success on election day, but, frankly, the elevation of another wonderful jurist from the Erie County Court system to the higher courts of Pennsylvania.

I couldn't help but think, sitting there, that it was the fall of 1972 when my dear friend and mentor, David Gifford, stood next to me as I was sworn in as attorney in the Erie County Bar Association in this very courtroom. And during the ten years, I had the pleasure and the privilege of practicing law in this community, I had the opportunity to get to know not only the lawyers in my firm, but the other lawyers in the community, as well as members of the bar, to get to know them personally and get to appreciate their skills. I don't think that the Erie County Bench and Bar has ever taken a back seat to any other group of lawyers or judges in the Commonwealth. I think this community has been historically blessed with quality judges, quality lawyers, and the practice of law in Northwestern Pennsylvania has always been done with the most rigorous of standards, highest degree of quality and integrity.

So as someone who certainly believes in the profession, having studied and practiced, and someone who also believes very strongly in the separation of powers, and in the wisdom of those men 200 plus years ago when they set up a federal structure that was replicated at the state level with three separate independent branches of government: Executive branch, legislative branch and the judicial branch.

For too long in the Commonwealth and I think for too long in this country there was perhaps—not perhaps, there was disproportionate interest paid to those who run for the executive or the legislative branch and not enough attention paid to those men

and women who seek to serve the public in that third coequal independent branch of the government, the judiciary.

When Judge Joyce said that he was going to seek election, subject himself to the rigors of a statewide campaign, and having been there and done that, it is certainly as rigorous an exercise as anyone can undertake, but particularly given the fact that still not enough people take the time to learn about the qualities and the experiences and the philosophy and the approach of our judicial candidates.

But he made absolutely certain, in every county that he visited, and I believe he visited all 67, in everyone with whom he came in contact, that they understood his commitment, his purposefulness, his willingness to bring the same kind of energy and ability and the commitment to service that he's shown here as a Court of Common Pleas Judge to the next step, to the Appellate Courts in our Commonwealth, an integral part—and I keep reminding people, an integral part of how we govern ourselves.

It's not just the executive branch and it's not just the legislative branch, the third coequal equally important branch of government. And I couldn't also help but think, in those ten years that I was here and I got to know another creditable Jurist, Erie County lawyer, Erie County Judge, Sam Roberts. And when you think of Judge Roberts, you think of the extraordinary quality, his advocacy, his writing skills, his judicial leadership. And I believe that Judge Joyce, you certainly have those qualities, you certainly have the opportunity to put your own unique mark, your brand of judicial leadership on the Superior Court of the Commonwealth of Pennsylvania.

I'm very proud of my profession. I'm very proud to know and work with the judges of the Court system of the Commonwealth of Pennsylvania, not just the Court of Common Pleas, but the individuals who serve us at the Trial Court locally, but our Appellate Courts: Commonwealth, Superior, Supreme. They are an extraordinary group of dedicated public servants, and we often forget that.

And so I thank those voters who were smart enough to distinguish between and among the candidates, who saw the same personal and judicial qualities in Judge Joyce, as many of us know and appreciate because of his service here in Northwestern Pennsylvania.

I thank the judges that are present today. Common Pleas, Appellate Court and the Federal Branch, the Federal Judiciary. You talk about Judge McLaughlin, Judge Nygaard as well, for their extraordinary public service. It's a very unique system of government that we have. Three coequal independent branches of government. But for the existence of that impartial third branch, the judiciary, one will always wonder how the other two would operate. But with that balance, with that balance, this magnificent system of self government that we have in this Commonwealth, in this Country, after 200 plus years, while we're not perfect, and if there's one institution that drives the other two toward that sense of perfection, toward that sense of justice, towards that sense of equal protection under the law, it is the function, and that is our judicial system.

And I want to just join with all your friends here, with your colleagues on the Court, with your wonderful family and your mom and dad, in congratulating you for not only the success on election day, but what I consider to be an extraordinary commitment to public service as a member of the judiciary of the Commonwealth of Pennsylvania. So I join with all of them in congratulating you. And I thank you very much for including me in this celebration. Thank you and good luck.

JUDGE MCEWEN: Thank you, Governor Ridge. And now Tim Riley, Erie County attorney and president of the Erie County Bar Association.

MR. RILEY: May it please the Court. Honorable judges, distinguished guests, Governor Ridge, Attorney Fisher, ladies and gentlemen. It's a great honor for me in my first official act as president of the Erie County Bar Association to congratulate Judge Joyce, our friend and member, and to extend to him our warmest wishes on this, the first day of your new life as a member of the Superior Court of Pennsylvania.

We Erie County lawyers take great pride in the accomplishments of our members and the contributions they're making to our profession, our community, to our judiciary and to our Commonwealth. We count among our members a member of the bench of the United States Court of Appeals for the Third Circuit, a member of the bench of the United States District Court for the

Western District of Pennsylvania, a Senior Judge of the Commonwealth Court of Pennsylvania, our State Senator, and, last but not least, our Governor. Not too bad.

When you examine Judge Joyce's resume, you get a feeling of why he has enjoyed the success that he has. Born in Pittsburgh, moved to Erie in his youth, a scholar/athlete in high school, distinguished military service, a combat veteran in the Vietnam War, where he earned the bronze star, a scholar/athlete in college, returned to Erie, practiced law in a small firm for about ten years. This is a recipe that has worked before. It occurs to me, Governor, that you must feel most fortunate that Judge Joyce is not a Democrat.

I first met Judge Joyce 21 years ago this past summer when I was a law clerk at MacDonald Illig Jones and Britton and he was a law clerk for my current partner, Andy Conner. Our friendship continued as we both returned to Erie after law school to practice law, Judge Joyce joining the firm of Orton Nygaard and Dunlavy.

As you probably know, that firm has had a rather extraordinary history of producing members of our judiciary. Judge Nygaard came from that firm to the Common Pleas Bench, and then on to the Court of Appeals. Judge Joyce came from that firm, on to the Common Pleas Bench, and now to the Superior Court. And Judge Cunningham, currently serving on our Common Pleas Bench, came from that firm. I don't know whether that is testament to the remarkable judgment of Ed Orton in choosing his partners or whether it teaches us about the lengths to which people will go to escape partnership with Ed Orton.

In any event, over the years I've had the privilege of litigating many cases with Judge Joyce, first as a lawyer, when I had the privilege, for the most part, of delivering settlement checks to his office. And then for the last twelve and a half years, the privilege of appearing before him rather regularly in his courtroom as a trial judge.

It occurs to me that it may be his background in athletics, which may explain why he was such a natural in the courtroom. Like a referee or an umpire, the trial judge's job is to ensure that the rules are enforced and that fair play ensues. Not to meddle in the game itself, but to ensure fairness.

As a Judge, Judge Joyce let lawyers try their cases. And as a trial lawyer, we thank you for that. He was always willing to step in like a ton of bricks when the rules were breached, and he had no problem calling the game as he saw it. But when fairness was at issue, he was there.

I can think of no greater evidence of the high regard in which Judge Joyce is held by members of the Erie County Bar Association than the fact that in 1995, when he sought retention to another ten-years term on our Common Pleas Bench, the Bar Association conducted a plebiscite of its members to determine whether they felt he should be retained for that second term. Eighty percent of those responding said yes. Think about that. Five hundred of the strongest personalities, biggest egos, who appeared before him for ten years and lost about 50 percent of the time, 80 percent of those folks still voted yes.

And now we bid him farewell and best wishes in your new career on the Superior Court, where we know you will feel right at home, since 95 percent of your decisions in this Court have been affirmed by the Superior Court. There you will join the ranks, as the Governor said, of other members of former members of our association who went on to distinguished careers as members of our State Appellate Judiciary, Chief Judge James Thompson of the Pennsylvania Supreme Court, Judge Emery Walling of the Pennsylvania Supreme Court, Chief Justice Samuel Roberts of the Pennsylvania Supreme Court, Judge William Hirt of the Pennsylvania Superior Court, and Senior Judge Juliante of the Commonwealth Court, all members of the Erie County Bar Association who have advanced the cause of justice in the Commonwealth, as we know you will. Congratulations, Judge Joyce.

JUDGE MCEWEN: Thank you, President Riley. Next, perhaps a bit of an introduction, having myself accomplished this joyous journey through the Commonwealth as a statewide candidate, can I tell you that it's a very trying time, as joyous it is, it's a trying time, it's a test of mettle. And how important it is, essential it is, basic it is to have with you somebody who is friend, counselor, advisor, confidant, somebody to guide you along with way, and when the road—what's the song, when the road seems too long, well, to tell you

the road is very short, and it's downhill.

Mike Joyce was served in that capacity by his campaign director, who is a member, a distinguished member, a pillar in the Philadelphia Bar. And he's with us today to also present remarks. May I present Carl. D. Buchholz, attorney from Philadelphia.

MR. BUCHHOLZ: May it please the Court, Judge McEwen, your Honors, Governor Ridge, Attorney General Fisher, family and friends. I wasn't advised until I arrived in Erie last night at 10:30 that I was expected to make some comments, so I assumed that was designed so that it would be short and sweet and to the point. So that's been accomplished, John, so thank you.

About one year ago at this time, up at the Pennsylvania Society Weekend in New York, I was introduced to John Mizner for the first time. John, that evening, introduced me to Judge Joyce. And that was the first time I had occasion to meet Judge Joyce. And at that point in time I thought it was very nice to meet both those gentlemen, and say goodbye to them, and the next time I was up in Erie I would stop in and see them

Little did I know that a short time thereafter I got a phone call and said, would you like to be involved with Judge Joyce's campaign for Superior Court. And being relatively new to this whole political process, I said, no, absolutely not. Little did I know that that was, yeah, I would love to do it and, hey, can I be campaign chairman. That's how that was interpreted. I'll know next time that my answer has to be a little firmer. But I had that opportunity and I took it, and it's been quite a year. John and the Judge are two extraordinary people, and it's been my privilege to have been involved with the campaign.

Just a couple comments on the campaign and my experience with the Judge and the election process. My first experience with Erie and the people in Erie was when I came up for the judge's announcement, which was probably February of last year, at the Avalon. And at that point in time it became very apparent to me the support that the Judge had up in Erie County from the members of the Bar, both plaintiff and defendant, and prosecutors and defense attorneys, was extraordinary. But there was also support of the business community and just the community in

general for his election.

The second thing that became very apparent to me, when we went out on the road for one of the first political events outside of Erie, was that the Judge's personality translated into that type of support among everybody he met. His sincerity, his honesty, his intelligence, tempered with common sense. Everybody that met the Judge, wherever I took him, had nothing but rave reviews for him, wanted to get behind his campaign. And it turned out, my job was easy. All I had to do was get some doors open, the Judge would go meet people and they were on board. And that's what this campaign was all about. The Judge visited 67 counties, and basically did this on his own, with what he had to offer the people.

Governor Ridge touched on it briefly, but I just want to also stress the importance that I think the lawyers understand, but the members of the community and the citizens of Pennsylvania should realize that the Superior Court particularly plays in the fabric of our life, both on the civil side and the criminal side. The Court's decisions affect whether this is going to be a business-friendly community, business-friendly state, or whether we're going to get saddled with product liability laws that are going to keep business away. There are decisions like criminal matters determined, how we view criminals and how we view our criminal justice system. There's probably not a more important Court than the Superior Court in determining our daily lives in Pennsylvania.

And along with Judge Joyce, the other three judges that were elected in this last election, along with Judge McEwen and the current members of Court, have a daunting task, with the number of cases and the amount of work they have. You have four great new additions, particularly Judge Joyce, to help you with that work, and, as Governor Ridge said, you should be commended for your dedication and your service.

I would like to give special thanks to John Mizner. Without John, this campaign, I don't think, would have gone as successfully as it did. And I can never thank him enough for all of his support.

And I just have one other comment. There's been a lot of discussions about judicial selection and getting rid of the judicial election process for our appellate judges in Pennsylvania. I have some

thoughts, because I was involved with raising money, maybe there should be some spending limits on it. But you should be aware with a judicial selection panel. The Bar Association had a committee, and they were going to decide who they wanted on the Court. And I strongly believe you should be very, very careful to take this process out of the electorate. Because of electorate, the second highest number of votes Judge Joyce received, it's obvious he is the type of Judge voters wanted on that Court. And I think we ought to be very careful before we ever change that system. And in closing, it's just been my honor and privilege to be involved with a candidate like Judge Joyce, and congratulations.

JUDGE MCEWEN: Thank you, Attorney Buchholz. It's interesting how many people share the view that election of Judges, County and State, is still desirable, and that it well serves the people, better serves the people than does appointment by the self-knighted nobles, self robed elite. Now, I'm not going to give you any indication, of course, of my views, you understand.

Next, a member of the Erie County Bar and a dear friend of our Honoree Mike Joyce, Gery Nietupski.

MR. NIETUPSKI: May it please the Court, Governor Ridge, President Judge McEwen, Judge Cavanaugh, Judge Musmanno, Judge Nygaard, other members of the Federal and State Judiciary, my dear friend, Superior Court-Elect Michael T. Joyce, members of Judge Joyce's family, ladies and gentlemen. It is with great personal pride that I participate in this most honorable occasion as Michael T. Joyce becomes a Judge of the Superior Court of the Commonwealth of Pennsylvania.

I have known Mike in the past ten years. We first met as two volunteer scuba divers for the Erie County Sheriff's Department Search and Rescue Scuba Team. That initial casual acquaintance has ripened into a reciprocal and deep friendship. Aristotle once said, "A friend is a single soul in two bodies." I do not know what it is, but there are relationships that weld men together like hoops of steel, and sometimes, as in our case, just like brothers.

This is particularly true when that relationship has the admirable capacity for sustaining warm personal feelings. And, that, if you know him, is Mike. This is something I'm quite certain

Michael was born with. It is the core of his very being. In a sense, Mike does not make friends, he recognizes them. And this inherent valuable trait is the basis of his human quality. People are attracted by him. Mike's friendship is without limits. The number of people assembled here this morning provide compelling testimony of how those whose lives he has touched view his continuing friendship.

Mike has applied his warm, personal qualities to judicial administration. And although I do not propose to present a judicial biography of Judge Joyce's very successful tenure as a Common Pleas Judge, suffice it to say that Mike's keen analytical ability, his professional competence and sound judgment are in the highest tradition of his office and reflect great credit on him and on Erie County.

I speak, instead, of his human qualities, and especially his seemingly unlimited capacity for close companionship with those in whose past he has crossed by choice or circumstance. He simply likes people and people like him.

He is blessed in having his parents, Evelyn and Joe Cox, and his two sons, Tim and Rob, nearby to support him. He is most fortunate, very fortunate, I think, in having capable assistants such as Phyllis and Trixie. And, of course, Shelly Beuhler has added a new dimension to his life. They have all made major contributions of Mike's success and happiness.

So Mike, as you accept your new robe as a Judge of the Superior Court of Pennsylvania, let me say, on behalf of all, thank you for your guidance and counsel throughout the years, and in particular for your friendship. And we wish you very good luck as you embark upon your new adventure.

The people of the Commonwealth of Pennsylvania will be better off for having had the very good sense to place you into such a position of responsibility and honor. Good luck.

JUDGE MCEWEN: Thank you, Attorney Nietupski. Now, next we have—well, let me begin by saying there are two great community groups in each town and county and state and in the country, the Democrat Party and the Republican Party. I'm not sure the scholars give much credit for the success of our democracy in our country to the fact that we are a two-party country. But one party is

always smiling more than the other. And in Erie County today, in this Commonwealth today, Republican chairmen are smiling particularly. So with that, I'll introduce attorney John F. Mizner of the Erie County Bar and Chairman of the Republican Party, he is the big grin.

MR. MIZNER: If it may please the Court, Judges, Governor Ridge, General Fisher.

"Mike Joyce of the County of Erie in the Commonwealth of Pennsylvania. Greetings: Whereas, It appears by the certificates and returns made according to law, of the election held on the fourth day of November, Anno Domino, one thousand nine hundred and ninety-seven, you have been duly elected Judge of the Superior Court in the Commonwealth of Pennsylvania. Therefore, Know Ye, That in conformity to the provisions of the Constitution and Laws of the said Commonwealth, in such case made and provided, I do by these presents commission you to be a Judge of the Superior Court of the Commonwealth of Pennsylvania, First Priority of commission. To Have and To Hold the said office, together with all the rights, powers and emoluments thereunto belonging or by law in anywise appertaining for the term of ten years to be computed from the first Monday of January, one thousand nine hundred and ninety-eight, if you shall so long behave yourself well. Given under my hand and the Great Seal of the State, at the City of Harrisburg, this eighteenth day of December in the years of our Lord, one thousand nine hundred and ninety-seven. Thomas J. Ridge, Governor.

JUDGE MCEWEN: Thank you, Attorney and Chairman Mizner. We now proceed to the administration of the oath in a moment or so, The oath will be administered by another son of Erie for whom this is a proud moment, to return to this courtroom as well, the Honorable Richard Nygaard, United States Circuit Court Judge for the Third Circuit. Judge Nygaard will be administering the oath. Holding the Bible will be Mom, Mrs. Cox, and Joe Cox, as well, will be with her. And assisting in the robing immediately subsequent to the ceremony of the oath will be Mike's sons, Tim Joyce and Robert Joyce, who will place the robe upon him. Now, if you will all rise, please. Will you come forward?

JUDGE NYGAARD: Judge Joyce, do you wish to take this by oath or affirmation?

JUDGE JOYCE: By oath, please.

JUDGE NYGAARD: Would you please raise your right hand, placing the left on the Bible. Repeat after me. I do solemnly swear.

JUDGE JOYCE: I do solemnly swear

JUDGE NYGAARD: That I will support, obey and defend.

JUDGE JOYCE: That I will support, obey and defend.

JUDGE NYGAARD: The Constitution of the United States.

JUDGE JOYCE: The Constitution of the United States.

JUDGE NYGAARD: And the Constitution of this Commonwealth.

JUDGE JOYCE: And the Constitution of this Commonwealth.

JUDGE NYGAARD: And that I will discharge the duties of my office with fidelity.

JUDGE JOYCE: And that I will discharge the duties of my office with fidelity.

JUDGE NYGAARD: Congratulations.

JUDGE MCEWEN: The sun has just come out outside, but the sun has been beaming wide in this room all morning, that's for certain. Michael, now it's official, will you get up here, please.

JUDGE JOYCE: Good morning. I am truly overwhelmed and humbled at this time. There's so many emotions rushing through my body, I don't know where to go. I certainly appreciate the kind words of the speakers here today, but I thought you had to be dead in order for somebody to say something nice about you.

This is certainly a joyous occasion, and I am extremely thankful for all of you being here today and to share this special day with me and my family, especially those of you who have traveled great distances, such as Philadelphia, which is still part of Pennsylvania. I realize that I would not be here today if it wasn't for the help of numerous people, and recognizing all of them would be impossible.

However, I do wish to mention several who deserve special mention. First and foremost, are my parents, Evelyn and Joseph. I have been blessed with wonderful parents. As I was growing up in an economically depressed area—and I used the term “economically depressed” rather than “poor” because my mother hates for me to say that we were poor. My parents consistently provided me with endless

love, understanding and guidance. They are, without a doubt, responsible for my success. Thank you from the bottom of my heart.

Anybody who knows me understands how important these next two people are. They are my sons, Tim and Rob. They are my constant source of pride and joy. When I became a Judge in 1985, Tim was seven and Rob was four. My, how they have grown. At that time, they had absolutely no idea of what I was doing for a living. Now they have grown, and they have grown up to be fine young men. Tim is 20 and a junior engineering student at Notre Dame University. Rob is a senior at Cathedral Prep, and, hopefully, on his way to Notre Dame next year. That was a tough sentence to get out. I'm a Penn State graduate, and Penn State has had a few bad days with Notre Dame. Now they not only have a keen sense and understanding of what I do, but they are convinced they could do the job better. Tim, Rob, I am proud to be your father.

I would also like to specifically identify my sisters, Bonnie and Sharon. My sister Terry could not make it today. Two of my sisters are older than I am, one is younger, but I am not permitted to tell you which is which. I credit my sisters with being instrumental in developing my common sense. I learned at a very early age that you can only argue with one at a time, to take on both, or three, was suicidal.

I would be remiss at this time, plus probably in deep trouble, if I did not mention my staff. All of you who have been at the courthouse know Phyllis, who has been my secretary since day one, twelve and a half years. And she has been absolutely phenomenal. Aside from being an outstanding secretary, she has been a great and loyal friend. I love you, Phyllis. She has been an invaluable asset to my success as a Trial Judge. I am fortunate that she has allowed me to work for her. Despite my shortcomings, Phyllis has agreed to remain as my secretary as I move to Superior Court, and I am thankful.

Next I have to mention my tipstaff, Geraldine Trucilla, whom everybody knows as Trixie. She deserves special attention and special mention. She is truly a great person. I will miss her daily jokes, her keen wit and her sage advice. Believe me, Mae West couldn't hold a candle to her.

Over the years I have been extremely fortunate to also have had

an excellent law clerk, or excellent law clerks, many of whom are now successful lawyers. That is not surprising, because after a year with me they probably felt they could do just about anything. I hope, in some small way, I have had something to do with their success, because they have played a large part in my success.

This year marks my 20th year as a member of the Erie County Bar Association. And I have enjoyed a great relationship with members of the Erie County Bar. I thank them for their support throughout the years. Many members were very generous through my campaign, and I truly appreciate their efforts on my behalf. I'm not really sure if they really wanted me to go to the Court or they wanted to get rid of me here. But I hope that they will be successful in having other judges elected to the Appellate Courts from Erie County. They are the big reason why this Judge has been elected to the Superior Court, after a 40—years hiatus. I am sure I will miss the daily contact and interaction with members of this outstanding bar.

As you know, I received the second highest total votes in the Superior Court race this year, and that was not an easy task. I was victorious because of an experienced and hardworking campaign committee, which was headed by Attorney Carl Buchholz, who you heard speak earlier today. Attorney Buchholz is a senior partner with the firm of Rawl & Henderson in Philadelphia, which is the oldest existing law firm in the United States. He, along with John Mizner, Gery Nietupski, Greg Rubino, Pat Deck, Tina Mangone, Maryann Urban, Joanne Tsuegalis, Bob Johnson, Woody McVickers and Carrie Dunn should be recognized for doing something that many people thought could not be done, electing a Judge from Erie County to a Statewide Appellate Court. Their advice and their counsel were invaluable, and I am very happy to have known them and to have been their candidate.

The last group of people I would like to specifically thank are you, and also the other countless friends and supporters who contributed time and efforts to my campaign regardless of party affiliation. I know some people took heat from their particular party for supporting me, but they took their step forward, and I appreciate that.

Their efforts resulted in the election of a Judge to the Superior

Court of the Commonwealth of Pennsylvania after this 40—year hiatus. The only other Judge to sit on the Superior Court of Pennsylvania was Judge William Hirt. His portrait hangs in this courtroom above the door. I now become the second Erie County Judge to sit on the Superior Court, but I am told soon there may be another one. Somebody told me that.

As I reflect over the past twelve and a half years that I've been a Judge, it has really and truly been my sincere privilege to serve the people of Erie County as a Trial Judge. I have said this many times, I will say it again, and it is true. There is not a single day that I have not wanted to come to work as a Judge.

As I look to the future as a Judge of the Superior Court, I know that I will certainly miss my friends here at the courthouse and my distinguished colleagues who have assisted me in my development as a Judge. I look forward to them helping me in their opinions as they are appealed to my Court, Superior Court. As I look to the future as a Judge of the Superior Court, I'm cognizant of the tremendous challenges which lie ahead. I am thankful to the voters of this Commonwealth for placing confidence in me, and I am filled with excitement as I enter this new position.

I know I am joining one of the oldest and most respected Appellate Courts in this country. They're known as a busy Court, or as the President Judge likes to call it, a hot court, handling approximately 8,000 appeals a year. The Court is, however, well organized and very efficient. I will work my very hardest to carry on that Court's fine tradition. And in that vein, I ask for God's guidance and your prayers. Thank you very much for your attendance here today and for sharing of this very joyous occasion with me and my family. May God bless you. Thank you.

JUDGE MCEWEN: The thought occurs to me that the glow in the courtroom is just not of the professional, the bright glow of professional pride of the lawyers about the Judges, Mike's colleagues upon the bench of Common Pleas Court in Erie County, but the warm glow of friends and family. That's easily recognizable from here, and I think you can almost feel it wherever you are in this courtroom, it's so bright and warm. So we thank you for that.

May I proceed to introduce certain of the individuals who are

here? Judge Joyce will do so, but may I proceed first to introduce the members of his colleagues on the Erie County Common Pleas Court. President Judge John Bozza, Judge Fred Anthony, Judge Roger Fischer, Judge Shad Connelly, Judge Stephanie Domitrovich, Judge Levin – did Judge Levin get here? All right. I don't know if Jess is here yet or not. And I also saw Judge DiSantis, and he just was here for a while, but I know he's got a trial going on. We have as well in the jury box, United States District Court Judge Sean McLaughlin.

It's just not enough for me, however, to introduce those fine trial judges, rather, the Superior Court has a vantage point. We see what happens through the Commonwealth, in the 67 counties, and the 60 judicial districts, up to 67 counties. Rarely do we get the opportunity to speak publicly in the domain of those Judges, of what a spectacular and wonderful job they're doing. This morning is just such an opportunity.

So, in addition to introducing each of you, may I salute you for the remarkable job that you do, the inventory that you have, the case load you have, that you dispose of it so promptly and expeditiously is amazing. May I commend you for doing so in a very sagacious-wise fashion. May I thank you for the very pleasant reflection that you provide Erie County's justice systems to the Commonwealth. Thank you very much, Judges.

Joining me on the bench, joining us on the bench, Judge Nygaard, Judge Joyce and myself, are my colleagues from Superior Court. We have Judge Jimmy Cavanaugh, who came in here all the way from Chester County. There's Jim Cavanaugh. And Mike Eakin from Cumberland County. One of our new baby judges as well, Judge John Musmanno from Allegheny County.

JUDGE JOYCE: I would also like to specially introduce to you some individuals who are well known to this group, but I would like to do that because most of them have traveled a good distance.

First of all, Attorney General Mike Fisher, I appreciate his being here. District Attorney Joe Conti, who traveled all the way from the third floor. We have Merle Wood, the Coroner of Erie County. District Justice Joe LeFaiver, an integral part of the judicial system. And District Justice Joe Weindorf. County Councilwoman Joy Greco. County Councilwoman Carol Loll. County Councilman

David Mitchell. My dear friend for many years, Linda Bebcu Jones, State Representative. Millcreek Supervisor, Sue Weber. Former Sheriff and good friend, Andy Hanisek. County Councilman, Fiore Leone. County Councilman, Joe Giles. And new County Councilman, James Terrell.

All the way from Philadelphia, very dear friends whom I met during this campaign. We were friends before we met because they are, as I am, a veteran. Frank L. Thompson. And with him is Thomas Graziosetta. Thank you for traveling all that way, gentlemen. Veterans do stick together.

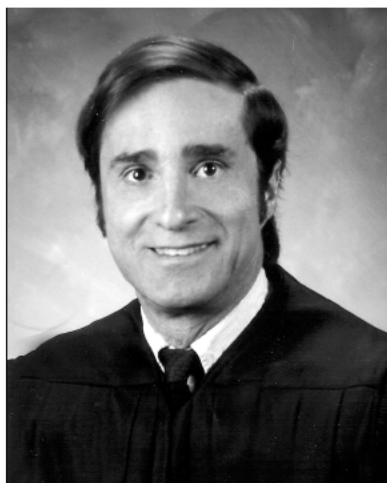
I don't know if I missed anybody. If I did – it always gets tough when you do that, because you miss somebody, but I think we've got everybody. If somebody else is here that I didn't—

JUDGE MCEWEN: Just say you all.

JUDGE JOYCE: We are having a reception immediately following at the Bel Aire, and I invite you all to continue this really exciting time of my life and to share it with me and my family. Thank you.

JUDGE MCEWEN: Evelyn and Joe Cox, Tim Joyce and Rob Joyce, Governor Ridge, General Fisher, I can tell you that Judge Joyce's colleagues on the Common Pleas Court tell me that he distinguished himself here for his judicial scholarship, as well as a sage exemplar in the courtroom. That valuable experience is certain to serve the Superior Court well. So may I, with my colleagues here present, in fact, with our entire Court, it's because of those characteristics that we give particular greeting to Judge Joyce and happily invite him to join us as a member of the Superior Court. We thank you all. As they say, the ceremony is concluded, let the celebration begin.

THE HONORABLE CORREALE F. STEVENS



1946 –

Assumed Office: January 5, 1998

County: Luzerne

INDUCTION CEREMONY

11:00 A.M.

Friday January 2, 1998

Hazle Township Senior Citizens Building

23rd and Peace Streets

Hazleton, Pennsylvania

PROCEEDINGS

MS. BREDBENNER: Good morning. I would like to welcome you all to the induction ceremony of Judge Correale F. Stevens as Judge of the Superior Court of Pennsylvania.

But first, we'll have the "Pledge of Allegiance" to the flag.

("Pledge of Allegiance" was recited by all present.)

And now I would like to introduce Ryan Stevens, son of Judge Stevens, who will do the invocation.

Mr. Ryan Stevens.

RYAN STEVENS: Good morning. As we begin the ceremony, let us remember the following words: Youth is not a time of life, but a state of mind; a temper of the will; a quality of the imagination; a predominance of courage over timidity; of the appetite for adventure over the love of ease.

Now, I would like to call on Patrick J. Solano, Senior Counselor to Governor Tom Ridge.

MR. SOLANO: Ladies and gentlemen, it's a pleasure for me to be part of this program. But let me just say that I think that it's great that a superior court judge comes to Hazle Township to be sworn in.

I think we ought to give him a big hand. (*applause*)

All the rest of them are in Philadelphia and Pittsburgh, and Corry is in Hazle Township. I think that's great. And that's a tribute and a tribute to you people who have always supported him and have done the kind things you can do for him. And I'm honored to be here.

You know, over the years, I have had the privilege of being associated with Judge Stevens and all of the many ventures that he undertook in public service, in his quest for public service. And you people are well aware because you were with me on a lot of those travels.

And when you think about it, a member of the House of Representatives of Pennsylvania, served several terms. You think about him being a chairman of the Judiciary Committee in the House.

And from there, he goes to District Attorney. And you recall there were some high-profile cases when he was there that were laying on the shelves for a long time. And he brought them out and did a super job of that.

Then he aspires for the Judge of the Common Pleas Court in Luzerne County. And unquestionably was attained and given the honor of being nominated by both political parties. And I think that's a unique tribute when you get an endorsement from both political parties.

And now he is onto the Superior Court. As a result of his unique experience in all three branches of government—the executive, legislative and judicial—he attained one of the most unique

endorsements of anyone running for judge.

And many of us up here don't think of these things, but just remember that he attained the endorsement of the three big city newspapers. One of the only judges that received the endorsement of the Philadelphia Inquirer and the Daily News in Philadelphia and the Pittsburgh Post-Gazette. And that is a great achievement, and that can only be attributed to the man himself.

And because of the diversity that he has in all of the different fields of government, that impressed the people when he did his editorial board meetings, and that got him that unique endorsement.

In traveling with Corry through his many campaigns—and I've been traveling with him—I don't know how old he is, but I hope he doesn't have any more because I'm getting too old.

You know, I found it very easy because he was always a candidate that people could relate to. And you people can relate to this: Because of his very polite manner and his warm personality, I have to say that he was always easy to take around, and people were always ready to take to him.

I have to also say that he was a lot harder to sell than Joyce. When Joyce was running, she was easier to sell than him.

Let me just say that—and the Governor asked that I convey his best wishes to Corry for a successful tenure, knowing that the citizens of the Commonwealth will be best served because of the honesty and the integrity that he possesses and those values that he will bring with him on the Superior Court. Governor Ridge and Judge Stevens were law school classmates.

And having said all that, let me also convey to you, Your Honor, my personal best wishes for a healthy and a successful term.

And now we're going to have Brody read the Commission.

BRODY STEVENS: This is from the Governor's office:

"Greetings:"

"Whereas, It appears by the certificates and returns made according to law, of the election held on the fourth day of November, Anno Domini, one thousand nine hundred and ninety-seven, you have been duly elected Judge of the Superior Court in the Commonwealth of Pennsylvania."

"Therefore, Know Ye, That in conformity to the provisions of

the Constitution and Laws of the said Commonwealth, in such case made and provided, I do by these presents commission you to be a 'Judge of the Superior Court of the Commonwealth of Pennsylvania, Second Priority of Commission.'"

"To have and to hold the said office, together with all the rights, powers and emoluments thereunto belonging or by law in anywise appertaining for the term of ten years to be computed from the first Monday of January, one thousand nine hundred and ninety-eight, if you shall so long behave yourself well."

Signed, Governor Thomas J. Ridge.

And now, President Judge Joseph Augello.

JUDGE AUGELLO: Good morning everyone. It's a privilege for me to be here to be invited to swear in my friend, Judge Stevens, to the Superior Court.

I just want to say a few kind words about Corry. He deserves them.

He worked very hard on our court, and we're going to miss him. He was a dedicated and diligent judge, and I'm sure that he will bring those same qualities to the Superior Court. So our loss here in Luzerne County is the entire state of Pennsylvania's gain.

This is, you know, both a happy and sad occasion for me. As of this moment, I'm still Judge Steven's boss. And when I finish the oath, he will be my boss.

So if I can just be your boss for ten more seconds, Corry.

But he did a spectacular job for us at the court. He helped us in reducing our backlog and all of the new innovations that we have undertaken at our local court. And as Mr. Solano said, it's a tribute to him that he would want to be here in Hazle Township and in the Hazleton area where his roots go down deep to take this oath of office.

And it's a privilege for me to be here and to be asked to perform this important duty.

Judge Stevens.

JUDGE STEVENS: I'd like to call up Joyce and Brittany.

(Holding the Bible, Joyce and Brittany Stevens.)

JUDGE AUGELLO: Judge Stevens, repeat after me, please.

I, Corry Stevens, do solemnly swear ...

JUDGE STEVENS: I, Corry Stevens, do solemnly swear ...

JUDGE AUGELLO: That I will support, obey and defend

JUDGE STEVENS: That I will support, obey and defend

JUDGE AUGELLO: The Constitution of the United States ...

JUDGE STEVENS: The Constitution of the United States ...

JUDGE AUGELLO: And the Constitution of this Commonwealth...

JUDGE STEVENS: And the Constitution of this Commonwealth...

JUDGE AUGELLO: And that I will perform the duties of my office

JUDGE STEVENS: And that I will perform the duties of my office

JUDGE AUGELLO: As Judge of the Superior Court of Pennsylvania...

JUDGE STEVENS: As Judge of the Superior Court of Pennsylvania ...

JUDGE AUGELLO: With fidelity ...

JUDGE STEVENS: With fidelity ...

JUDGE AUGELLO: So help me God.

JUDGE STEVENS: So help me God.

JUDGE AUGELLO: Congratulations.

JUDGE STEVENS: Thank you. (*applause*)

President Judge Augello and Honorable Patrick J. Solano, Joyce, Brody, Brittany and Ryan; Irene Bredbenner and members of the Greater Hazle Township Senior Citizens.

First of all, I wanted to thank you. This facility is beautiful. And I know you have two of your supervisors here, Mrs. Dudeck and Mrs. Clatch, who made this available to us and the senior citizens. And I appreciate that. And I'll be very brief.

I'm going to take this robe off now.

JUDGE AUGELLO: Here, let me get that for you. (*laughter*)

JUDGE STEVENS: I've been asked why am I being sworn in, in the Hazle Township Senior Citizens' Center. Well, that's any easy question to answer.

Ever since the first time I ran for public office or state representative—and that was a long time ago, 1980—the senior citizen community and I have worked closely together on helping us solve some of the problems in our area.

And when I had some serious health problems 14 years ago, it was the senior citizens that remembered me in their prayers. And when I recovered, you all came down, if you remember, to Harrisburg to the Capitol, and we had some fun trips and tours.

In fact—I guess I shouldn't say this, but I remember a couple fun bus trips to Atlantic City with you.

Most importantly, though, I came here out of respect for you and out of friendship.

Senior citizens, you are our greatest asset in our community. You have a wealth of knowledge and experience. Your dedication to your family, to the church; your appreciation of ethnic traditions and your commitment to improving the quality of life for our children and our grandchildren. And that is an inspiration to us all. So that is why I wanted to come here.

As you know, my office will be in Hazleton. It will be on the beltway up by Wal-Mart. And I'll be moving in there during the first week of February.

Most of my duties will be performed from there. I will occasionally have to make trips to Philadelphia and to Harrisburg to hear oral argument.

Through the courtesy of the President Judge, I'm going to be able to stay right where I am in the courthouse for the month of January so that I can complete, while the new office is getting ready, I can immediately begin to work.

The Superior Court, as you know, is a state-wide appellate court, and I'm going to use my background in the legislature and my background as district attorney and as a trial judge, to perform those duties.

But what I want to promise you is that I will take not only my life experiences but my common sense to that court. And when I make decisions that impact on the lives of every one of our Pennsylvanians, especially the honest, the hard-working, the working people, the senior citizens, I'm going to add my common sense to those other legal backgrounds that I have.

I intend to remain active in the community. I hope to still come and visit you, play bingo with you, be part of this community.

In closing, I want to thank Pat Solano. Many of you may know

him. I always call him our secret weapon in this area. He is one of the most distinguished yet low-profile people. You don't always read a lot about him, but his career has spanned decades. He is not going to want me to say that because he is still a young man. His career has spanned decades, and he has done wonders for the people of this area.

And I happened to be with him last year on swearing-in day in the Pennsylvania Senate, and just to watch the reception that he received when he walked on the Senate floor. So he's been a wonderful asset to our area.

And our President Judge has brought a tremendous amount of legal ability and legal insights to the court. And you can be very proud of the job that our President Judge has done for Luzerne County and is continuing to do. And through his efforts, the jury system and people can get their day in court.

I'd also like to point out that we have our very able court administrator here is also from West Hazleton, and that's William Sharkey. And I think P.J. Adonizio from the court administrators is also here today.

I'd like to just take one moment and introduce—all the senior citizen clubs in the area were contacted, but because of the weather...

We do have representatives, however, from Butler Township. Leon; is Leon here?

We have representatives from Hazleton. Carol Kay is here. Thank you for coming.

We have representatives from the All-American Senior Citizens. Theresa Stanziola is here and John Machines.

And I think Margaret Fusick is here from ILGWU Seniors.

Because of the weather, I think some of the Freeland people weren't able—I wasn't able to get in touch with them.

I hope to have Senior Citizen Day again this spring. I think we've had a lot of fun with that.

The last thing I'd like to say is I would like to thank Joyce, Brody, Ryan and Brittany just for all their support in my campaigns and everything else.

Well, I guess I'm not a good public speaker. I put my own daughter to sleep. I notice some lawyers doze off in my courtroom. I just thought it was because they were tired, but maybe it was because

of me.

I'd also like to thank Angela Sallemi for coming, our court reporter from Hazleton. We do have a lot of Hazleton area connections in the courthouse—Judge Conahan. I call Judge Ciavarella a Hazleton wannabe.

He loves Hazleton. He moved to Mountaintop. I said, You should have gone all the way.

But you can be proud of our court system in Luzerne County. And I want to thank you for making the facility available.

I understand you've made some sandwiches and things for everybody. You're welcome to stay. There will be an open house in the courthouse on Monday. And, again, I want to thank everybody.

I look forward to serving in my new duties. And at this time, if we could just close the way we do the Senior Citizen Day with "God Bless America."

Thank you very much. (*applause*)

Before we do, Jean Blass wanted to say a few words, and then we'll close with "God Bless America."

MS. BLASS: "Up The Ladder?"

"Honorable Judge Stevens, we are all proud of you,"

"For the consideration you gave us senior citizens and everything else you do."

"You were never thought of as a politician by us all,"

"But as a dear friend when needed we could also always call."

"Upon graduating from Penn State and as a lawyer from Dickinson,"

"You must have decided then that your job wasn't done."

"So up the ladder you started going up high,"

"By being a successful candidate for state representative when you did try."

"You aspired the title of District Attorney at another date and was successful again,"

"So you climbed the ladder another rung, but we could hear the sound of Judge Corry Stevens being sung."

"Being still persistent and energetic and more rungs to climb,"

"And you're still young and with God's help, you have much more time."

“You now have earned the title of Judge, but that’s hard for us to say,”

“Because you’ve been known to us as Corry, so forgive us if we call you that today.”

“We’re proud and honored you are now a Superior Court Judge today,”

“And we know you’ll be striving for another title some day.”

“We thank all those who voted for you,”

“We hope we made your dreams come true.”

INDUCTION

“In the future, it sure would be great to say,”

“We know President Stevens; he comes from Hazleton, Pa.”

“But if we’re not asking for too much, may I say,”

“We all would like to be here to see that day.”

“With your perseverance, we know you’ll never stop.”

“So keep right on climbing until you reach the top.”

“God bless you, and keep climbing. (*applause*)

JUDGE STEVENS: Thank you all. And now if we could close with “God Bless America.”

(“God Bless America” is sung by all present after which ceremony concluded at 11:20 a.m.)

THE HONORABLE JOHN L. MUSMANNO



*March 31, 1942 –
Assumed Office: January 5, 1998
County: Allegheny*

INDUCTION CEREMONY

Monday, December 29, 1997

Administration of the oath of Office to the Honorable John L. Musmanno as Judge of the Superior Court of Pennsylvania on Monday, December 29, 1997

PROCEEDINGS

THE CRIER: The Honorable, The Judges of the Superior Court of Pennsylvania.

Oyez, oyez, oyez. All manner of persons having business to come before the Honorable, The Judges of the Superior Court of Pennsylvania, holden here this day, let them come forward and appear and they shall be heard.

God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE McEWEN: Thank you, Crier Carey.

Good afternoon and welcome to the ceremony to celebrate the grand occasion of the oath of Judge John L. Musmanno.

We gather for this ceremony of the oath, by the definition a most solemn occasion, a most reverent event. Since the oath to be taken rises far above any contract, goes far beyond commitment, the ceremony of the oath is a solemn pronouncement of a covenant which summons the Almighty to witness the profession of the oath by job to serve well the citizenry of the Commonwealth. The ceremony of the oath is as well a moment of passage for it is a solemn promise to perform new duties with dedication, to confront new challenges with determination and to serve the justice system of the Commonwealth with zeal.

So we welcome all the family and friends of Judge John L. Musmanno to the bar and bench of this monumental forum as we call for the ceremony of the oath to commence.

And asked to come forward, The Reverend George L. Werner, Dean of the Trinity Episcopal Cathedral.

REVEREND WERNER: I saw a cartoon strip recently of Frank and Ernest and they were standing outside a giant marble building that said Law Library. To think that this all began with the Ten Commandments.

From the Magna Carta. To no man will we sell or deny the right to justice.

Let us pray.

Lord, God, Judge of all creation, we learn from your Holy Scripture that to those who much is given, must is required. At this moment of history, when our system of justice is under such great scrutiny, we give thanks for all who offer themselves to this important position and especially your servant John and all those who are entrusted with our lives, our property and our sacred honor as well as the welfare of the community and society. Help John to uphold the principles upon which this nation was founded as he deliberates in the often complex and even arcane corners of the law. May he always be aware of the humanity before him and the awesome responsibilities that he has been given.

And finally, may John and all of us remember the words of Blaise Pascal. Justice and power must be brought together so that

whatever is just is powerful and whatever is powerful may be just.

Amen.

PRESIDENT JUDGE McEWEN: Thank you, Reverend Werner.

Will you be seated, please.

We will first hear from Vincent J. Grogan, member of the Bar of Allegheny County and President of the Pennsylvania Bar Association.

President Grogan.

MR. GROGAN: Judge McEwen, Justices Cappy and Zappala, Members of the Court of Common Pleas of Allegheny County, colleagues and friends of our friend Judge John L. Musmanno.

It is indeed a pleasure for me to appear here today on this momentous occasion to honor our friend and colleague, Judge John L. Musmanno, on the occasion of his induction to the bench of the Superior Court of Pennsylvania.

John, you join one of the most distinguished appellate courts of the country. It is a court of the people, a body made truly superior by its scholarly and industrious judges. Your elevation to this Court confirms what those of us in Pittsburgh have known all along, that you are not only a jurist, but a compassionate, fair and efficient judge and a man driven by exceptional work ethic, integrity and intellect. You are the type of person who will enhance the Court's reputation for scholarship and industriousness.

Today as you assume the mantle of Superior Court Judge, I hope your thoughts are filled with good memories of the past, your days of academic accomplishment as a Phi Beta scholar at Washington Jefferson College, your law school days at Vanderbilt School of Law where you served as Assistant Editor of the Law Review and your many years in private practice of law in the City of Pittsburgh. For more than 27 years, you have served in Pennsylvania's judicial system as a District Justice and then as an exemplary Judge of the Court of Common Pleas of Allegheny County. Through your leadership as Administrative Judge in the Court's Civil Division, it resulted in the reduction of the case backlog in this county by more than 50 percent and this accomplishment stands as an example for other counties in this Commonwealth.

Of course, the road leading to this Superior Court position has been challenging and has required hard work and sacrifice from both you and your family. But as we stand here today, I know that you believe it to be worthwhile, for your election to this office by the people of the Commonwealth of Pennsylvania is one of the highest honors the public can bestow upon a lawyer and one that you richly deserve.

We at the Pennsylvania Bar are proud of the Pennsylvania Judicial Evaluation Commission that could assist in informing the public of your excellent credentials by giving you the highly recommended designation. We are grateful that men and women as you who possess broad legal experience and excellent qualifications continues to seek judicial office, thus ensuring the preservation of this Court's honorable heritage. Certainly no system of justice can rise above the merit of those who administer it.

It has been said that four things are required of a Judge: To hear courteously, to speak and answer wisely, to consider soberly and to decide impartially. Judge Musmanno, we know you are fully prepared to do all four of these things and to do them extraordinarily well.

May your path as a Superior Court Judge be guided as it has in the past by the bright light of integrity, by a fair and compassionate heart and most of all by your personal dedication to the ideal of justice for all.

Good luck, Your Honor, and best wishes from your colleagues at the Pennsylvania Bar Association.

Thank you.

PRESIDENT JUDGE McEWEN: And now, Christopher Conrad, member of the Allegheny County Bar Association and in fact President to the Allegheny County Bar Association.

President Conrad.

MR. CONRAD: Thank you, Your Honor.

President Judge McEwen, Honorable Members of the Superior Court, Honorable Justices, Honorable Members of the Court of Common Pleas of Allegheny County, my colleagues in the practice of law, honored guests here today.

Just recently attending a leadership conference, as a matter of

fact less than a month ago, my son was very excited because he had a photograph of a tombstone, a headstone actually. It reads, Michael A. Musmanno, Stowe Township, so on, Justice, Supreme Court of Pennsylvania, authored 16 books, Presiding Judge International War Crimes Tribunal, Nuremberg, Germany, World War II. He indicated to me that he had known Judge Musmanno because of his recent run and success in the Superior Court. And his comment to me was, What a proud tradition. I said, Yes, that's true. It has been a proud tradition and a proud heritage of the people of this county over decades.

And that's what this ceremony is about, but it is about a little bit more. Because it is more about a man who started his own tradition in Allegheny County, a tradition of excellence, a tradition of never being content with the status quo. A man who for 27 years of service in a judicial role who distinguished himself in all facets, both professional and personal. A man who I first knew as a leader among District Justices in Allegheny County, all which taking the role which would distinguish himself there, a person who elevated himself among the others on the Criminal Bench of Allegheny County, Court of Common Pleas, a man we regrettably lost to the Civil Division where he only became the Administrative Judge of that division, carried with him the talents to innovate that particular section with changes that have only helped to enrich the people of Allegheny County.

But it has always been in his fierce desire to improve the judicial system of the Allegheny County as well as his desire to continue to improve himself as a Judge and as a lawyer that we have seen him strive for an appellate bench where he feels that he can better serve not only the people of Allegheny County as well as his desire to continue to improve himself as a Judge and as a lawyer that we have seen him strive for an appellate bench where he feels that he can better serve not only the people of Allegheny County but the people of the Commonwealth of Pennsylvania. That is where he has truly, of all his distinguishing characteristics, has shown himself to be unique in the judicial field. No one has any doubt that he will carry this particular commitment to the appellate bench of Pennsylvania.

On behalf of the Allegheny County Bar Association, I would

like to congratulate you, Judge Musmanno, on your deserved elevation to the Superior Court, and I would personally and on behalf of that organization like to thank you for the years of service that you have already given us and feel comfortable in the fact that for years to come you will continue to enrich the citizenry of the commonwealth of Pennsylvania as well as Allegheny County and make us as proud as your proud ancestor.

Thank you very much.

PRESIDENT JUDGE McEWEN: Thank you, President Conrad.

We will now hear from Mark Goldberg, a member of the Allegheny County Bar Association.

Mr. Goldberg, if you will.

MR. GOLDBERG: Honorable Justices, Judges of the Superior Court, Commonwealth Court and the Common Pleas Court, Reverend Werner, honored guests, friends and relatives of Judge John L. Musmanno. May it please the Court.

It is an honor and a privilege to participate today in the induction to Superior Court of Pennsylvania of my good friend John L. Musmanno.

My friendship with John goes back to 1959 when we were both freshmen at Washington and Jefferson College. So I know him longer than everyone in this room except for his mother Betty, his brother Tony and his sister Betty, and it is a toss-up whether his wife Ginny or I know more about him. But I promised John that I would not reveal today everything that I know.

I think it is important that those of us who are assembled here today know about Judge Musmanno's background because it is that background that has influenced his legal and judicial career. Now that the election is over, the truth about Judge Musmanno can come out. And John, there is no statute of limitation on how far back in your life we can go today.

Getting nervous, John?

John was raised in Stowe Township in the most humble of surroundings. From a very early age, John was a caddy at Shannopin Country Club, and in fact the only way that he could attend college was on a West Penn Caddy Scholarship. Today John is a member of

Shannopin Country Club and has a single digit handicap.

In addition to caddying, John also worked on the road crew digging ditches for Equitable Gas Company to help pay his expenses not covered by the scholarship.

But college was not all work for John. He was a four-year letter man on the golf team and the Washington County jitterbug and twist champion because every Sunday night he could be found at the local dance hall.

John graduated from W and J in 1963 magna cum laude and Phi Beta Kappa and received a full-tuition scholarship to Vanderbilt Law School. John distinguished himself in law school as Assistant Editor of the Law Review.

One night when John was a senior in college he noticed a beautiful girl in the local fast food restaurant. He tried to speak to her but she ignored him. So John followed her home to see where she lived. John went back a few days later, knocked on the door and introduced himself. That's true. That perseverance is how John met Virginia Farina, now his wife of 32 years. John and Ginny were married in 1965 and their daughter Lisa was born a year later. Today Lisa has a doctorate in microbiology and is the mother of two beautiful girls, Nicole and Sarah.

Judge Musmanno's judicial career began in 1969 when he was elected District Justice in Stowe Township in McKees Rocks. He was first elected to the Allegheny County Common Pleas Court in 1981 where he has served in the Criminal, Family and Civil Divisions and has been the Administrative Judge of the Civil Division since 1990 where he has distinguished himself by his innovative programs and gained the respect and admiration of his colleagues on the bench and the attorneys and litigants who have appeared before him.

As we all know, Judge Musmanno's election to the Superior Court was not an easy task. He was the only Democratic candidate to win a state-wide election this year.

I would like Judge Musmanno's colleagues on the Superior Court to know what attributes Judge Musmanno will bring to the Superior Court. He has integrity beyond reproach. He has a keen knowledge of the law. He has a very strong work ethic. He has an excellent judicial temperament, a willingness to listen and not pre-

judge, the ability to make insightful decisions and a sense of humor. One of his favorite expressions is levity prevents insanity.

Judge Musmanno, the Superior Court of Pennsylvania, as Vince Grogan has said, is one of the oldest and respected appellate courts in the United States. I had the very good fortune of being Judge William Cercone's first law clerk when he was elected to this court in 1970. So I have a professional affection for the Superior Court of Pennsylvania. We know you will serve with distinction and honor and that above all you will do everything in your power to see that justice is served.

Congratulations, John, and the best of everything to you, my good friend of 38 years. May God bless you and watch over you as you embark on your new career. *Mazzel-tov*.

Judge Musmanno, if you will come up here, I would like to read your commission to you.

"Commonwealth of Pennsylvania, Governor's Office, John L. Musmanno of the County of Allegheny in the Commonwealth of Pennsylvania, Greetings: Whereas, it appears by the certificates and returns made according to law of the election held on the Fourth Day of November, Anno Domini, One Thousand Nine Hundred Ninety-Seven, you have been duly elected Judge of the Superior Court in the Commonwealth of Pennsylvania. Therefore, know ye that in conformity to the provisions of the Constitution and laws of the said Commonwealth, in such case made and provided, I do, by these presence, commission you to be Judge of the Superior Court of the Commonwealth of Pennsylvania, for the priority of the commission, to have and to hold the said office together with all the rights, powers and emoluments thereunto belonging, or by law and in any way appertaining, to the term of ten years, to be computed from the first Monday of January, One Thousand Nine Hundred Ninety-Eight, if you shall so long behave yourself well.

Given under my hand and the great seal of this State, at the city of Harrisburg, this 18th day of December, in the year of our Lord One Thousand Nine Hundred Ninety-Seven, and of the Commonwealth, Two Hundred Twenty-Six.

Thomas J. Ridge, Governor."

Congratulations.

PRESIDENT JUDGE McEWEN: We will now proceed to the administration of the oath and the robing.

One wonders from time to time, you never see a Bible in the appellate court room. We never see people. We only see lawyers.

John's mother has the Bible. And Ginny, if you will come forward for the robing as well, we will proceed to the administration of the oath and the robing.

And if you will all rise, please.

John, will you place your left hand on the Bible, raise your right hand.

I, John L. Musmanno—

JUDGE MUSMANNO: I, John L. Musmanno –

PRESIDENT JUDGE McEWEN: — do solemnly swear –

JUDGE MUSMANNO: — do solemnly swear –

PRESIDENT JUDGE McEWEN: — that I will support, obey and defend the Constitution of the United States –

JUDGE MUSMANNO: — that I will support, obey and defend the Constitution of the United States –

PRESIDENT JUDGE McEWEN: —and the Constitution of the Commonwealth of Pennsylvania.

JUDGE MUSMANNO: — and the Constitution of the Commonwealth of Pennsylvania –

PRESIDENT JUDGE McEWEN: — and I will perform with fidelity, commitment and zeal –

JUDGE MUSMANNO: — and I will perform with fidelity, commitment and zeal –

PRESIDENT JUDGE McEWEN: — the oath of Office of the Judge of the Superior Court.

JUDGE MUSMANNO: — the oath of Office of the Judge of the Superior Court.

PRESIDENT JUDGE McEWEN: Thank you, John.

Ginny, will you now place on the robe,

John, won't you come up here.

John remarked it is only three steps from there to here. John remarked about what a long trip it has been.

JUDGE MUSMANNO: Dean Werner, Justices of the Supreme Court, Ralph Cappy and Steve Zappala, my new colleagues

on the Superior Court, my present colleagues on the Common Pleas Court, District Justices, family and friends.

I guess I am overwhelmed, but I am honored by your presence and humbled by your support over the years. I wish I could publicly thank every one of you, but we would be celebrating New Years Eve here.

The walk from my courtroom just down the hall to this majestic courtroom is 100 yards yet it has taken several years to travel that distance. I feel like Ulysses in his Odyssey. He only had to fight one Trojan War. I had to fight several. As Ulysses had his faithful Penelope, so I do, my wife Ginny. No one could have been a more loving faithful partner, and I have put her through a lot of ups and downs. And I coined a phrase, levity prevents insanity, and that helps you through a lot of tough times. As I traveled all over this state, I could always depend on her representing me well. In fact most people said that I could have done much better if I would have stayed home and let her campaign.

I want to recognize my daughter Lisa who is my pride and joy. When I first ran for public office in 1969 and won as District Justice, she was three years old. Now she is a young, married woman with a Ph.D. in microbiology, and now she has a daughter that is three years old, Nicole, and a daughter Sarah.

And I have gone from being too young to being a judge and as some have said to maturing well.

I want to thank my mom and dad for their love and teaching me about working hard and earning your way, and that's what I have always tried to do. Unfortunately, my father is very ill and can't be here, but my prayers and thoughts are with him as I'm sure his are.

I want to thank my sister Betty and my brother Tony for their understanding and shouldering most of our family's burden while I was out campaigning.

Betty and Tony, would you stand, please.

I want to thank my staff, Evelyn Wilcox, Marty Vinci, Mary Beth Palko and Brian Smarra for their loyalty and dedication over the years. No one could have a more devoted staff.

I want to thank Dean Werner for taking his time from his busy schedule for blessing this day for me, and I would like to thank the

speakers, Attorney Vince Grogan and Attorney Chris Conrad for their kind words and especially Mark Goldberg, who has been friends with me since high school, which is what, a couple of years ago?

I want to thank the County Bar Association for support of our efforts to improve the judicial system for giving their time and effort so generously in our various ADR programs, special masters, having such a great group of hard working and dedicated court employees.

I want to thank and acknowledge my colleagues on the Court of Common Pleas. We have been recognized as one of the best courts in the nation.

And to all my volunteers, all of you who have worked so hard to help over the years, words are so inadequate to convey my thanks, my appreciation, my gratitude for all your help over the years. I wish I could recognize each one of you individually. I know that I would have never have won this election without your help, and I'm sure that I put together the largest, most loyal army of volunteers for a judicial campaign.

Finally, you may not be aware, this Superior Court of Pennsylvania is considered one of the finest, most efficient appellate courts in the United States. And I pledge to the people of Pennsylvania and my new colleagues that I will do my very best to uphold its tradition of excellence.

Thank you so very much and God bless you.

PRESIDENT JUDGE McEWEN: With all the family and friends, of course, makes it a wonderful, wonderful day, a glow of pride. Complimenting that glow of pride is the glow of friendship that obviously eminent in Judge John's colleagues upon the bench and other officials here from Allegheny County who are present. So I will list those to whom we are grateful for their attendance.

Justice Stephen Zappala from the Supreme Court, and with him, Supreme Court Justice Ralph Cappy.

From this court sitting upon the bench, Judge James R. Cavanaugh, Judge Joseph A. Del Sole, Judge J. Michael Eakin.

Judge Kate Ford Elliott is not here but would certainly be here because she is so pleased. She has a friendship and association with John, but she suffered a sadness of the loss of her mother on Saturday in Loretta, and, of course, that sadness prevents her from being here.

She can be assured that the soul of her mother is in our prayers.

Judge Justin M. Johnson, Judge Patrick R. Tamilia and Judge Michael Joyce from the Superior Court.

From the Commonwealth Court we have Judge James R. Kelley, Judge Sam Rodgers.

John, from the court that sent you to us to whom we are grateful are Judge Cynthia Baldwin, Judge David Cashman, President Judge Robert Dauer, Judge Kathleen Durkin, Judge Robert Gallo, Robert Horgos, Judge Joseph Jaffe, Judge Livingstone Johnson, Judge Lee Mazur, Judge James McGregor, Judge James McLean, Judge Lawrence O'Toole, Judge Stanton Wettick, Judge Zavarella.

Joining us as well from the County of Allegheny, well, all the way from Harrisburg returning to Allegheny County, Attorney General Mike Fisher, Allegheny County Controller Frank Lucchino, State Treasurer Emeritus Katherine Baker Knoll, State Senator Jay Costa, State Senator Jack Wagner, Jury Commissioner of Allegheny County Jean Milko, District Justice Dennis Joyce.

I have a feeling there is going to be another name or two popping up here.

State Representative Linda Jones from Erie is also here present. Kathy Reda, Register of Wills from Washington County. Washington County Treasurer Francis King, Washington County Jury Commissioner Judge Fisher. Commonwealth Court Judge James Flaherty and Judge Emil Narick from Allegheny County, from Commonwealth Court. Indiana County Treasurer Sandy Kirkland. Auditor Patty Evanko.

President of the District Justices of Allegheny County, one of my successors, Richard King. We have Dennis Joyce. Frank Comunale, District Justice out in Churchill and Forest Hills. One of the first presidents of the state association, Joan Morrow, my good friend, we go back more years than I want to think, all the way here from Bethlehem Pennsylvania, and Andy Barilla from Luzerne County. They were both former presidents, and we all shared in organizing the State District Justice Association back in the early '70's. Thank you so much for coming all that way, and hopefully you can get back home safe before the snow.

And June Lilly from Washington County, who is a Senior

District Justice. Judge Deborah O'Dell Seneca from Washington County. We go back a few years before she was a Judge. She was one of my campaign people in Washington County.

Well, can I tell you how to solve this? We say thanks.

Mrs. Musmanno, if you will express my best wishes to Mr. Musmanno as well.

Ginny, all the Musmanno clan, can I tell you that his colleagues upon the Common Pleas Court tell us that he distinguished himself as the counselor of the halls of the court administration as well as sage and exemplar in the courtroom. Such valuable experience is certain to serve the Superior Court as well.

The Superior Court congratulates Judge Musmanno and happily invites him to our membership. Thank you.

Just to make sure that everybody was touched, all of the sudden there is an urgent message. In fact it is rather critical that we mention this other person.

JUDGE MUSMANNO: I noticed Connie Javens. We go back a long way from Beaver County.

But what I really wanted to do is acknowledge my mother-in-law. I know that you hear all the mother-in-law jokes. My wife's family had never gotten involved in political campaigns at all. They worked so hard for me, but I wanted to recognize her. She is 77 years old and she worked the poll at Bethel Park from the opening of the polls to the closing of the polls.

Emma, please stand.

PRESIDENT JUDGE McEWEN: How astute our new Judge was to not let that go.

Now that the ceremony and consecration is complete, may I ask you all to commence the celebration and let us rejoice to celebrate the happiness of Ginny and John Musmanno. And that celebration, that rejoicing will commence immediately at the Rivers Club.

Thank you all.

THE HONORABLE JOAN ORIE MELVIN



Assumed Office: January 5, 1998
County: Allegheny

INDUCTION CEREMONY

PROCEEDINGS

THE CRIER: The Honorable Judges of the Superior Court of Pennsylvania.

Oyez, oyez, oyez. All persons having business to come before the Honorable Judges of the Superior Court of Pennsylvania, holden here this day, let them come forward and appear and they shall be heard.

God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE MCEWEN: Thank you, Mr. Crier.

Will you please remain standing while we call His Most Excellency, Bishop Daniel DiNardo for the opening prayer?

BISHOP DINARDO: Oh, God, providence in nature by creation. You also created us in Your image that we may mirror Your goodness and Your justice. You have written a law in our hearts that we should worship You and love our neighbor as ourselves, and that in obeying just civil laws, we are also manifesting a harmony and

beauty of Your creation. It is for our fulfillment that we have formed ourselves into a society for the common good and this common endeavor. We look for Your counsel and guidance as we strive to our own laws to form ourselves into a people that love justice and respects equity and takes greater care to respect the foundation of law, the human person.

Be with us today as we celebrate this wonderful occasion, the swearing in of a new Superior Court Judge. Give to Judge Orié Melvin wisdom, a keen mind and a heart of integrity. May she be an upright judge, one that interprets and applies the law with fairness, and may her ongoing work in the judiciary mark her as committed to righteous and impartial decision, tempered by great heartedness.

Oh, God, we praise You and bless You forever.

Amen.

PRESIDENT JUDGE MCEWEN: Thank you, Bishop DiNardo.

You may be seated.

Good morning, this assembly aglow.

The days and the evenings of late December and early January overflow with ceremonies of the oath, as officials in every town hall and courthouse across the Commonwealth take the oath of office, each one distinctive and each one bright with shared happiness by family and friends.

And we judges who administer the oath to individuals who are about to serve the citizenry and government are witnesses to and ourselves flourish upon that happiness and that joy and those bright moments.

This morning we are not only witnesses to the bright moments, we deeply share and fully participate in that happiness and joy, for the oath which Joan Orié Melvin takes will make her one of us, our associate, our colleague, our friend.

So we welcome the family and friends of Judge Orié Melvin to the bar and bench of this monumental floor as we call for the ceremony of the oath to commence and ask the Honorable Robert Dauer, President Judge of the Allegheny County Court of Common Pleas, to present farewell remarks because it is upon that bench that Joan has served so well.

President Judge Dauer.

PRESIDENT JUDGE DAUER: Good morning, ladies and gentlemen. My pleasure, honor to be here.

Several years ago, I was a guest at a reception for local students at my old alma mater, Georgetown University. Most of the attendees were Ories who have graduated, were students or planning to attend Georgetown. There are a good many Ories, and upon graduation from Georgetown, they have apparently decided to take over the state and local government. And if we can ever get that other Georgetown graduate out of the White House, I have a feeling that one of them may have plans to redecorate the Oval Office.

However, little did I know at that time that they had a secret political weapon who unfortunately had matriculated to the banks, not the Banks of the Potomac, but to an insignificant school on the farmlands of Indiana. Despite this obvious handicap, Judge Orie Melvin has done her best to increase the population the four years that she was assigned to the Criminal Division. In between the business of the maternity wards, she tried over 2,000 cases, if not more, as our male and as far as I know not pregnant judges. Obviously, the electorate of this Commonwealth has acknowledged her legal ability and judicial accomplishments, and with all due respect to my superiors, it will be certainly nice to have additional female folk or two on our appellate courts.

Joan has been a great, great Common Pleas Judge and I know that she will be a great appellate judge.

Judge, my congratulations and best wishes.

Thank you.

PRESIDENT JUDGE MCEWEN: The next offering will be remarks from, assuming that U.S. Air did not perform as usual but got our distinguished guest here, the Honorable Justice Sandra Schultz Newman.

(No response.)

PRESIDENT JUDGE MCEWEN: U.S. Air is up to normal, I see.

Next on the agenda is the Honorable Jane Clare Orie, a Member of the House of Representatives.

Representative Orie.

REPRESENTATIVE JANE ORIE: May it please the Court, to the Honorable members of the Superior Court, Justices of the Supreme Court, the Honorable members of the Commonwealth Court, the Court of Common Pleas, Judge Lewis, and other public dignitaries.

Ladies and gentlemen, I am honored to be here today to appear at the swearing in ceremony and elevation of Judge Joan Orié Melvin to the Superior Court of the Commonwealth of Pennsylvania. Joan has had a distinguished career of public service, and today her judicial career continues to a higher level.

I know Joan not just as a lawyer nor as a judge, but more importantly as a sister. Growing up in a family of nine children was a lesson in survival of the fittest. Anyone who knows the Orié women knows that our parents did not differentiate between the girls and the boys. Everyone was treated equally in our family. Our family would play touch football games on weekends that turned to tackle very quickly.

Joan excelled in academics. When she graduated from Our Lady of Mercy Academy, she was student council president, valedictorian and awarded the Louis Kaplan Humanitarian Award for high school seniors who performed extensive volunteer work in community service and excelled in academics.

When Joan was in fifth grade, she told my dad she wanted to go to the University of Notre Dame long before the male bastion considered admitting women. My dad told her to study hard, get good grades and they could not stop her from attending Notre Dame.

Needless to say, Joan went to Notre Dame! It was the second year that they had admitted women. She said it was heaven. The ratio was eleven to one, male to female.

She also, back in fifth grade, told my father that she wanted to be the quarterback for Notre Dame, but she changed her mind, and thank God for that or we wouldn't have had Joe Montana at the Super Bowls.

She graduated with a degree in economics and then pursued her lifelong dream with a career in law. She graduated from the Duquesne University School of Law.

Joan worked in corporate law and then moved into the

litigation field.

She was appointed by Mayor Richard Caliguiri to a Republican vacancy on the Municipal Court of the City of Pittsburgh. A year and a half into her term, Mayor Caliguiri appointed Joan as the first woman and first Republican Chief Magistrate in the history of the City of Pittsburgh. Mayor Caliguiri told Joan that she had the pulse of the community.

Joan took the mayor's challenge, and she changed the face of the City of Pittsburgh Municipal Courts. Joan implemented the first Domestic Violence Court in the Commonwealth of Pennsylvania over ten years ago. Joan helped heighten the public awareness of the criminal nature of domestic violence. For so long domestic violence was viewed as a family problem, but Joan changed that. That court has disposed of over 40,000 abuse cases. It is a successful court with a low recidivism rate and continues to serve as a model across the nation for jurisdictions just recently creating these specialized courts.

Joan's innovation has inspired me, and through her innovation I have had the opportunity in January to conduct a state-wide domestic violence round table with the national leading advocates. I will be sponsoring advanced legislation dealing with problems of domestic violence.

Joan then rolled up her sleeves and started the first alternative sentencing program for indigent or juvenile offenders convicted of nonviolent crimes so that they could perform community service in lieu of incarceration or paying fines. She has always believed that the courts are there to serve the people and must evolve to meet society's changing needs.

As an Assistant District Attorney in the District Attorney's Office in Allegheny County, I could not appear before Joan when she was assigned to the Criminal Division. I was constantly approached by other colleagues, fellow Assistant District Attorneys, public defenders, criminal defense attorneys who would indicate what a loss it was for me not to be able to practice before Judge Orié Melvin because she was known for her fairness, her demeanor and knowledge of the law. Little did they know, that it would have been trouble for me to practice before my sister. Just knowing the competitive edge of growing up together in the Orié household would have infiltrated the

courtroom. The reality is that she wouldn't have been partial to me and we would have resorted to the old days of the Orie household, and the only problem with that situation is I knew Joan had the power of the gavel and she would probably win. Chances are I would have been taken out of her courtroom by the Sheriff's Department shackled and held in contempt of court.

Needless to say, just as in other counties, there are law and order, prosecution oriented courtrooms in Allegheny County as well as liberal defense courtrooms in Allegheny County, you could hear the whining and sighing in the courthouse depending on what attorney was assigned to what courtroom. But whenever a case was assigned to Joan's courtroom, both sides got a level playing field and were pleased to try their case before Judge Orie Melvin. The ultimate compliment for a trial judge is that she gave a fair trial to both sides.

When Joan was later assigned to the Civil Division, defense attorneys and DA's would lobby me to get her back to criminal.

Wherever Joan goes, a silver cloud follows.

It was Joan's intent to run for Superior Court on her extensive record, having heard cases in Criminal, Civil and Family Division. Joan authored several hundreds of opinions and received only a handful that were reversed. She has had a proven judicial track record. Joan had a proven judicial innovation with her domestic violence and alternate sentencing programs. Then all of a sudden an issue of motherhood and family jumped out in her campaign. There is nothing more important to Joan than her family and motherhood. She is very proud to be known as the Judge with all the children.

As a veteran ten year prosecutor, I know firsthand the attributes one must possess to serve as a good judge. Judicial temperament, knowledge of the law, diligence and fairness. Joan has all these qualities, and she possesses much more. She has the judicial insight and vision that makes her a superior judge.

One year ago, Joan expressed to me how proud she was when I was sworn in as a state representative.

Today I stand before you and it is a proud moment for me. Congratulations.

PRESIDENT JUDGE MCEWEN: Thank you, Representative Orie.

We will now proceed to the reading of the commission of the state by Janine Orié.

JANINE ORIE: “Greetings” Whereas, it appears by the certificates and returns made according to law of the election held on the Fourth Day of November, Anno Domini, One Thousand Nine Hundred Ninety-Seven, you have been duly elected to the Superior Court of the Commonwealth of Pennsylvania. Therefore know ye that in conformity to the provisions of the Constitution and laws of the Commonwealth, in such case made and provided, I do, by these presence, commission you to be Judge of the Superior Court of the Commonwealth of Pennsylvania, for the priority of the commission, to have and to hold the said office, together with all the rights, powers and emoluments thereunto belonging, or by law and in any way appertaining, to the term of ten years to be computed from the first Monday of January, One Thousand Nine Hundred Ninety-Eight, if you shall so long behave yourself well.

“Given under my hand and the great seal of the State, at the City of Harrisburg, this 18th day of December, in the year of our Lord One Thousand Nine Hundred Ninety-Seven, and of the Commonwealth, Two Hundred Twenty-Two.

“Thomas J. Ridge, Governor.”

PRESIDENT JUDGE MCEWEN: Thank you, Janine.

We will proceed now to the actual formal ceremony of the oath. And that will be composed of the administration of the oath by United States Third Circuit Court Judge Tim Lewis.

And may I ask Judge Joan Orié Melvin to come forward and I ask as well Gregory Melvin to come forward as he will be presenting the robe, and holding the Bible will be Doctor John R. Orié.

Will you please rise?

May I tell you that it is a family Bible that is being held by Doctor Orié?

Assisting us this morning will be Judge Lewis from the Federal Circuit Court who is a friend and a colleague of the bar of our new Superior Court Judge, and we welcome him this morning.

Judge Lewis.

JUDGE LEWIS: Thank you, Judge McEwen.

On behalf of all my colleagues on the Third Circuit and from

the other end of Grant Street, I wish you best and hardy congratulations.

Raise your right hand and repeat after me.

I, Joan Orié Melvin-

JUDGE ORIE MELVIN: I, Joan Orié Melvin-

JUDGE LEWIS:- do solemnly swear-

JUDGE ORIE MELVIN:-do solemnly swear-

JUDGE LEWIS:-that I will support, obey and defend the Constitution of the United States-

JUDGE ORIE MELVIN: that I will support, obey and defend the Constitution of the United States-

JUDGE LEWIS:-and the Constitution of this Commonwealth-

JUDGE ORIE MELVIN:-and the Constitution of this Commonwealth-

JUDGE LEWIS:-and that I will discharge the duties of my office-

JUDGE ORIE MELVIN:-and that I will discharge the duties of my office-

JUDGE LEWIS:-with fidelity.

JUDGE ORIE MELVIN:-with fidelity.

JUDGE LEWIS: Congratulations.

JUDGE ORIE MELVIN: Thank you, Judge Lewis.

PRESIDENT JUDGE MCEWEN: The administration of the oath completed, the robing completed by her husband Greg Melvin, may I tell you that Judge Orié Melvin's colleagues on the Common Pleas Court tell us that you bring to our court a great tradition and feeling for fairness, characteristics which are, of course, essential elements of judicial temperament.

It is with particular embrace that I, on behalf of all the Judges of Superior Court, welcome you and say come on up here, Judge.

JUDGE ORIE MELVIN: Good morning.

I am honored to serve as a Judge of the Superior Court of the Commonwealth of Pennsylvania.

It has been a long journey across a very large state. But it has been a very insightful and rewarding journey. I met so many people from essentially different cultures within this great Commonwealth.

This campaign has provided me with a new appreciation of the beauty of Pennsylvania's land and its diverse people. As citizens, we should all be proud of this great Commonwealth.

I thank Judge Tim Lewis for swearing me into the Superior Court today. I admire him as a Judge, a father and a man. And I respect his judicial accomplishments and contributions to the community.

Tim, you have made my day extra special today.

I'm sad to see that Madam Justice Newman was caught in U.S. Air, apparently, but I have to say that she has been an inspiration to me. I remember her stopping by my chambers several years ago while she was in for an argument session for the Commonwealth Court in Pittsburgh. I had my twins with me at work because I had to take them to the pediatrician for shots. Needless to say, they were wreaking havoc in my chambers. I came off the bench and there she was with one twin on each side of her sitting on my couch reading to them, and they were absolutely captivated by her. You could tell that she could reach all age levels.

Also, I visited her chambers when I was out east, and lo and behold, who was in her chambers? Her two grandsons were waiting for her to take them to the doctors to get their ears checked. I told my dad when I came home I didn't want him complaining about his chauffeurs' duties for his grandchildren since a Supreme Court Justice did the same thing.

But the interesting theme about these visits is that women judges are an added dimension to any bench as a result of our different life experiences.

Judge Dauer has been a terrific boss as President Judge to me. I feel that we have the special Chief Magistrate's bond. We even have a secret handshake. Right, Bob? And we share and I do share that bond with several of my colleagues who were former Magistrate Judges.

I scheduled exactly four meetings with Bob Dauer during my seven and a half year tenure on the Allegheny County Common Pleas Bench. The first three were to inform him that I was pregnant. I went to see him for the fourth meeting about an issue presented before the Prison Board but I didn't advise him as to the topic. He looked at me

and said, Joan, when the Bible says go fourth and populate the earth, you don't have to take that literally. There is a figurative meaning. I looked at him and I asked him, Well, what does that have to do with the Prison Board?

The day after the election, I received a note from Bob Dauer that said I can go forth and populate the earth on the Superior Court Bench!

I will miss my colleagues on the Allegheny County Trial Bench. It has been a rewarding and challenging seven and one-half years. I love this job. And the great County of Allegheny has a very hard working bench that they should be proud of.

I can feel that Judge McEwen will be the same kind of whimsical boss that Bob Dauer was. Every Superior Court staff member and Superior Court Judge has offered their assistance to me for smooth transition. It is one of the hardest working benches and most efficient appellate court benches in the nation. Each Judge averages 250 opinions per year.

The day after the election, the Prothonotary and the court crier came to my chambers to welcome me on board. They left behind a crate of Superior Court briefs five feet high. They are an eager crew.

I would like to acknowledge Sister Sara Marie Healy, one of my Irish relatives.

I was educated at various times by the Vincentian Sisters of Charity, the Sisters of the Holy Spirit and the Sisters of Mercy. They were strong female role models to me. They nurtured me and they educated me, and I thank them all for influencing my life in a strong, positive way.

I would like to also recognize and express my gratitude to Bishop Daniel DiNardo. He was the rock in our new parish of Saints John and Paul in Marshall Township. He is a charismatic priest. We all embraced him because he is a gifted, holy and aesthetic man. We miss him dearly. Our loss is South Dakota's gain.

You have met my sisters and best friends, Jane and Janine. My mother always said you will always have your sisters no matter what.

My sister Janine has a successful track record as a campaign manager. She ran my county-wide campaign seven years ago, she ran Jane's legislative campaign one year ago and now she has a successful

state-wide campaign under her belt. If only she made the big bucks like the other political consultants. The price was right for Jane and me. Janine not only organized and directed my campaign, she also helped me out at home with the kids. She is a gem and a loyal and committed organizer. However, my daughter Casey complained that Janine was stricter with homework than I was.

Also, my sister Jane has shown brightly as a State Representative and prosecutor. I can remember when I was assigned to the Criminal Division and she was an Assistant District Attorney. My colleagues on the bench would tell me about what a passionate advocate and great trial attorney she was. Her political future is extremely bright.

One day I quietly slipped into Judge O'Toole's courtroom, took a seat in the back row to hear her final argument in a complex murder case. I was just mesmerized. She gave me goose bumps. It was powerful.

I, too, am very proud of my younger sister and her accomplishments. She has excelled as a prosecutor, championing victims' rights, especially those of vulnerable children. Now she continues that work on an important different level, on the House Floor, and enacts laws that protect those victims that she still carries in her heart. She will never forget those victims.

My other best friend is in the audience, my husband Greg. The stars and the planets were aligned the day that we met. He is a super husband and father. He has wholeheartedly supported all of my endeavors throughout my career.

When I was asked to run for an appellate court seat, I hesitated because I knew the time and the energy that would need to be involved and expended. When I discussed the possibility with Greg, there was no hesitation, only unequivocal support and encouragement. He told me that I deserved it and that I would be an excellent appellate court judge.

I thank him for his sacrifice for being super dad.

I love you, Greg.

The bright lights in my life are here. Some are dancing before you. My children make my world go round. I have said it numerous times throughout my campaign. I have a vested interest in the future

of this great Commonwealth. I have been blessed with six beautiful children. They keep me grounded. They add to my life's experiences which make me a unique Judge. This is what life is all about.

I know that my four sisters and I have been positive influences in their lives. I have five daughters with great female role models.

And don't forget my little Johnny there who respects women also. He came home from school one day and he told me, Anthony said that girls couldn't be president. I turned around and I asked him, And what did you say, Johnny? He said, I told Anthony, yes they can. Girls can do everything. What a guy. It makes you feel good. And I know some girl will be lucky out there in the future unless Bishop DiNardo can lead him into the priesthood, which would make mom really happy.

Also I have to mention the co-chairs for The Children for Melvin Campaign, Casey and Tricia Melvin, my two oldest daughters. They started a pen pal campaign across the state. They worked the teachers and bus drivers. They are naturals at this game.

Finally, I dedicate this special date in my life to my parents.

My mother, who is smiling upon me from heaven, is the wind beneath the wings of each of her nine children. My mother was a strong, independent Irish Catholic woman devoted to her family and to her faith. She nurtured each of her nine children to attain their dreams. Four lawyers, one judge, two physicians, one human resource executive and one educator. She has taught us to count our blessings. Don't stop there. Go out and share those blessings with others.

There is a void in my life since she is gone. But I do see my mother in all my siblings and especially in my children.

I model myself after my mother. I long to be the mother to my children that she was to me.

You know, if there was a recount of all the votes cast in this election and each vote was matched to each citizen, there would be one unaccounted vote cast from heaven. But I do guarantee, with all due respect, it was a plunk. Needless to say, I felt that I had a celestial and mystical advantage in this campaign with my mother.

And also my dad is here today. I would like to weave a story for you about this humble, quiet man. When I entered public service, he told me to always remember it was a privilege to serve the people. But

don't forget, you have an obligation to help those less fortunate. The lessons he taught me and the examples that he lived were the foundation for my judicial innovation, such as the domestic violence court and alternative sentencing program.

He is a pioneer physician from the North Hills of Pittsburgh. When he retired four years ago, his office visit was seven dollars and he still made house calls.

When I was a young girl, he would take three or four of the Orié kids on his day off every week to St. Francis Hospital where he volunteered his medical services at a free clinic for the poor. He would also go to the inner-city schools and provide free medical services with his children in tow. I thought it was great to go to work with my dad. But as I got older, I realized that it wasn't just spending time with the kids. He was instilling values, values that each of us must give back to our community.

At a young age the Orié kids learned from these experiences than those from various socio-economic backgrounds were no different than we were. We developed friendships and interacted with underprivileged children in those waiting rooms.

My dad has always been my hero. But when I ran seven years ago for Common Pleas, I discovered that he looms ever larger in my eyes, in epic proportions. I sought labor support when others told me that it was a waste of my time since labor would never support a Republican. I went to the union halls, the union picnics and even the union beer blasts. When laborers found out that I was Doctor Orié's daughter, they would regale me with stories when they were on strike, they were laid off or they were unemployed and he would not charge them for health care. If they could not afford it, they were not to worry. Just make certain that their families would come to him for medical services if they needed it.

What a man. What a hero, too.

We were blessed, the Ories, with excellent parents.

And I love you dad.

It is those values that I have carried with me on the Municipal Court of the City of Pittsburgh, the Court of the Common Pleas of Allegheny County and now the Superior Court of Pennsylvania. What makes me the Judge I am, are my values and my life's

experiences as a daughter, wife, mother, sister and friend.

I look forward to my new appellate judicial duties, and I thank you all very much for sharing in my very special day. God bless all of you.

Thank you again.

PRESIDENT JUDGE MCEWEN: Thank you, Judge Orié Melvin.

Johnny Melvin, age five, let me tell you something. You expressed the wisdom of the ages when you say women can do anything. Not only can they do anything, but they do do everything. And I tell you that this Court has been the beneficiary of that particular enlightened wisdom because we have been enriched by the wisdom and insight of Judge Phyllis Beck and Judge Kate Ford Elliott, and that enrichment will be enhanced by your mother, Judge Orié Melvin.

So, John, we look ahead for many years with your mother.

The room is awash and aglow with the warmth and pride of the press, the pride of family and friends, of course, aglow from the friendship of colleagues.

I am going to go through some of the colleagues from the judiciary and government who are present here today and who feel just as we, Judge Orié Melvin's new colleagues, do. How happy we are. We all share in that happiness.

From the Supreme Court, there is Justice Stephen A. Zappala and Justice Ralph J. Cappy over here.

You notice that a number of trial judges, Commonwealth Court Judges and Superior Court Judges look down upon those Justices this morning. And I told you it would be prudent and wise not to look down too long or too far down either.

From this Court, we have all the way from way back east Judge James R. Cavanaugh. Also on the bench from Superior Court, Judge Joseph A. Del Sole, Judge Michael Eakin.

Judge Kate Ford Elliott, of course, could not be here. You may have heard that her mother died this past weekend. And I know that she would be bright with pride and happiness at her dear friend Judge Orié Melvin ascending to join her on this Court, and only that personal tragedy she suffers precludes her presence with us.

As well, Judge Justin Johnson, Judge Patrick Tamilia. Our new judges who join the Superior Court together with Judge Orié Melvin, Judge Mike Joyce, Judge John Musmanno are here upon the bench.

And now your legendary Jim Smith has given me a list of all the Common Pleas Judges who are here. And here we go, Judge, I'm going to ride with you and your keen eye.

Judge Max Baer, President Judge Robert E. Dauer. Judge Kathleen A. Durkin, Judge Ronald W. Folino, Judge Robert P. Horgos, Judge Joseph A. Jaffe, Judge Livingstone Johnson, Judge Lee Mazur, Judge Jim McGregor, Judge Raymond Novak, Judge R. Stanton Wettick, Jr., Judge Paul Zavarella, Judge Richard Zeleznik, Judge John Zottola.

From the Commonwealth Court we have Judge Jim Flaherty, Judge Emil Narick.

From the Federal Court, of course, we met Judge Lewis.

Present as well this morning, Attorney General of Pennsylvania, Mike Fisher, the esteemed and beloved State Treasurer Emeritis Katherine Baker Knoll, Allegheny County Controller Frank Lucchino, Disciplinary Counsel John Doherty, and the new Sheriff of Allegheny County, Pete DeFazio, District Justice Jimmy Russo. And I see over on the left here Judge Jeff Manning.

Well, Joan, do you see anybody else that I might have missed?

JUDGE ORIE MELVIN: No.

PRESIDENT JUDGE MCEWEN: For those of whom we may have missed, we apologize. That's because there is a bit of a tear here and the eyes aren't really working.

Chief Magistrate Jack Simmons. Of course, Joan would not want me to overlook Judge Simmons.

With that, we will call upon to send us on our way from this glorious ceremony and wonderful morning Sister Sara Marie Healy from the Sisters of Mercy.

The Sisters of Mercy are a particular congregation because I have deep fondness because that's where my daughters were educated.

Sister Sara Marie Healey, we welcome you. You are welcome to use the microphone, if you wish.

Please rise.

SISTER HEALEY: Lord of life, from Your heart You have

gifted each one of us present here today. We are grateful not only for the gift of life itself, but for all the gifts of friendship, love, challenge and forgiveness that we share. We are especially grateful for our able public officials, most of whom and many of whom are present here today who graciously and sincerely dedicate their lives to the service of all.

Creator God, we ask You and we thank You for calling us to lives of service, to deeds of hospitality, kindness to the stranger and concern for one another. We are inspired with the way You reveal Yourself to the world through the gifts and tasks of our daily lives.

We ask You for continued blessings on Joan and on each of us through the decade of the Nineties and into all of our tomorrows.

God bless you all.

And may I now use the correct title by congratulating the Honorable Judge Joan Orié Melvin. God bless you.

And God bless you all.

PRESIDENT JUDGE MCEWEN: Thank you very much, Sister Healey.

Ceremony and consecration having been completed, we shall now proceed to celebrate and rejoice.

Will you adjourn the courtroom, Mr. Crier.

COURT CRIER: Court is adjourned.

PRESIDENT JUDGE MCEWEN: When I said rejoice and celebrate, I should mention the site. The Sheraton at Station Square, immediately.

Thank you all.

THE HONORABLE
MAUREEN LALLY-GREEN



1949–

Assumed Office: June 5, 1998

County: Allegheny

CEREMONY OF THE OATH

Tuesday, July 28, 1998
Supreme Courtroom
Eighth Floor
City-County Building
Pittsburgh, Pennsylvania
(4:45 p.m.)

PROCEEDINGS

THE CRIER: The Honorable Judges of the Superior Court of Pennsylvania.

(Whereupon, the Superior Court Judges entered.)

THE CRIER: Oyez, oyez, oyez, all persons having business to come before the Honorable Judges of the Superior court here hold in this day, let them come forth and they shall be heard in this

Commonwealth.

The Honorable Stephen J. McEwen.

PRESIDENT JUDGE McEWEN: Thank you, Mr. Crier.

Welcome, everybody. We assemble this afternoon for, as the program announces, the Ceremony of the Oath of Judge Maureen Lally-Green. Surely, however, the occasion is much more since pronouncement of this Oath of Office is, in a very real sense, a consecration of professional life to the cause of jurisprudence and a dedication of career to the citizenry of the Commonwealth and that oath, that vow, enables celebration by all of us that the jurisprudence of this Commonwealth will be the beneficiary of such very special gifts as her enhanced vision of the reign of law and of the precedence of providence and nature; her penetrating eye for a justice so swift and sure and in it the strongest feel restraint and the humblest find trust.

Whether we describe this auspicious occasion as a consecration or a celebration or a ceremony, a glance over the room makes certain there is but one phrase to describe the rich, warm, happy glow which each and all here sense and feel and reveal and reflect, absolute joy.

Maureen, may I tell you from personal experience, that the joy of this day will remain with you for it is so lasting and enduring as to resemble sacramental mark.

Now let us proceed with the proceedings.

The Invocation, Reverend Charles J. Fenner, Secretary of the Board of Directors of Duquesne University. Father Fenner is a member of the congregation of the Holy Spirit, the order of priests from Duquesne University that assist in the higher education for the people of the civic environs. He is former Chairman of the Theology Department, presently a professor there and Secretary of Duquesne as well as a personal friend of Maureen since he taught her Theology 101 at Duquesne in 1967.

Father Fenner.

FATHER FENNER: Let us raise your minds and hearts in prayer.

Oh, Lord of heaven and supreme law, giver of all of your creation, we ask you to send your spirit of wisdom and justice upon us as we gather in the joyful spirit of recognition to honor the Honorable Maureen Lally-Green as she now is sworn in as a Judge of this

Superior Court of Pennsylvania.

First, we ask you Lord to bless all of us here, especially those who have dedicated themselves to the teaching and determining and the practice of law here in the Commonwealth.

Let them come to realize that amidst all the carrying out of their profession as a legal authority in this State that as they do, they participate in authority that often becomes an immune society and the whole of creation might accomplish the right oath for which you made it.

In a special way we ask you to ascend your spirit upon the Honorable Maureen Lally-Green. Give her the wisdom of solemn in all her judgments. Empower her with the spirit of justice so the law may truly benefit from her decisions. Enlighten her with the knowledge and understanding that is so necessary to perceive the most difficult and profound of human situations and continue to instill in her a sense of fairness that is so necessary to attain, keep the quality and freedom upon which our society is based.

And so we pray for her from the Old Testament, Maureen, may the Lord bless you and keep you, may the Lord let his face shine upon you and be gracious to you. May the Lord look upon you kindly and give you peace.

PRESIDENT JUDGE McEWEN: Thank you, Father Fenner.

The next speaker, as you will see from the program, the next speaker is Barry Simpson, President of the Allegheny County Bar Association.

As you know, that is the premier County Bar Association of this State. Barry is a partner in the firm of Eckert—but you all know the Eckert firm. That’s how they do it in Philadelphia. Of course, Maureen knows him well because she’s been on the board of Directors of the Allegheny Bar for quite some decades now.

President Simpson.

PRESIDENT SIMPSON: Thank you, Judge McEwen.

You certainly will get no argument from me that we are the premier Bar Association in the United States. I can say that even with Marvin Lieber from the Pennsylvania Bar Association standing hereby.

Members of the Superior Court, Governor Tom Ridge, Chief Justice John P. Flaherty and Justice Thomas Saylor, other members of the judiciary, members of the Lally-Green families, fellow lawyers and other distinguished guests, the pleasure is, indeed, mine as the President of the Allegheny County Bar Association. On behalf of the Bar Association and the Members of the Board of Governors, many whom are here today, to welcome you all to this special event, the administration of the oath of office to the Honorable Maureen E. Lally-Green.

We in Allegheny County all share an enormous sense of pride that Maureen Lally-Green's accomplishments and achievements as a lawyer and her contributions to the community have been recognized by the Governor and by the Senate in respectively nominating and confirming her to the Superior Court.

For us in the Allegheny County [Bar Association] this is a very special time for Judge Lally-Green is, indeed, one of us. We know her well in the Bar Association. She was elected by the Membership of the Bar Association to the Office of Secretary of the Board of Governors back in 1992 and served in that capacity until 1995.

She then was elected by that same Membership to the Board where she sits currently as an active Board Member. Her contributions in that capacity have been invaluable to Members of the Bar and to Members of the Bench.

I know I, for one, have urged and do continue to urge Judge Lally-Green to remain in that role as a Member of the Board. In that way she can continue to serve both the lawyers and lawyers who now happen to be Members of the Bench.

Along with fulfilling her duties as a Board Member, Judge Lally-Green has served on numerous committees of the Association ranging from such things as Professional Ethics, the Medical-Legal Committee and the Women-in-the-Law Committee.

In addition to her numerous talents, I know Judge Lally-Green must certainly be adept at the physical act of juggling. For like all professionals in the nineties; well, Judge McEwen, if I'm going to fulfill my duty of candor to the Court, I should probably modify that statement to say more correctly; certainly all women professionals; Judge Lally-Green has balanced practicing law, teaching as a full

professor at Duquesne School of Law, clerking to the Justices of the Supreme Court, Bar Association activities, service on various Supreme Court Committees, service to the community, authoring numerous works and most importantly, being a mother to three children which includes the major duties of soccer mom and swimming mom and spouse to fellow lawyer, Stephen Ross Green.

I personally can attest to this juggling act that Judge Lally-Green has performed. For many is the time I have sat in a swim meet watching her cheer her son on while at the same time reading and editing Court opinions.

You know for moments like this as an Allegheny County resident, I must fight off a certain, small sense of melancholy. For I know that this treasure, this treasure that, indeed, is Judge Lally-Green, which we claimed as ours in Allegheny County must now be shared fully and completely with all Pennsylvanians.

However, I also know that she sits with this great Court helping to refine and define the law, as she does so, she will be enriching the lives of all Pennsylvanians.

Judge Lally-Green, on behalf of all of the Members of the Bar Association and the Bar, I congratulate you and I wish you well.

Thank you. (*applause*)

PRESIDENT JUDGE McEWEN: Pleased to have with us Dean Nicholas P. Cafardi who is the Dean of the Duquesne Law School, an institution that has enriched this Court so much by its contribution to this Court of Judges and the Court. That enrichment is enhanced by the addition of Judge Maureen Lally-Green.

Dean Cafardi is also recognized across the nation as a renowned canon lawyer and he's a personal friend of Maureen. He's done great things for the Law School, both he and his better half, Dr. Kathleen Shepard.

Dean Cafardi.

DEAN CAFARDI: Governor Ridge, Chief Justice Flaherty, Judge McEwen, Justices, Judges and Friends, I was truly honored when Judge Lally-Green asked me to speak today on behalf of Duquesne Law School. Of course, when I said yes, I thought she was going to tell me what to say.

We have all at one time or another, as speakers, had our

resumes read at length and ad nauseam to a waiting audience, wondering to ourselves, why did I ever put that in there?

So I told Maureen, “Just let me know those things you want me to highlight and I’ll be happy to say a few things.”

So I took the job on that basis, only to get a FAX from Maureen yesterday saying, “Sorry, Nick, I’m backed up. You can decide what to say on your own.”

Dangerous words. You can decide what to say on your own. (*laughter*) I mean, until today, I used to be her boss. I have access to her permanent records; and at Duquesne Law School, it really is a permanent record because for those of our faculty who are former students, the faculty file incorporates all her student records as well. I mean, I could talk about the grades she got as a law student; and I am sure her children; Katie, young Ross and Bridget; would love me to do that; wouldn’t you? (*laughter*.)

But I wasn’t just Maureen’s boss. We are friends. Our families are friends. We have vacationed together. We have been evacuated from the Outer Banks together. We have driven across streams in Ireland’s Dingle peninsula together in cars packed full of not very happy kids. So there is stuff to talk about there.

I could, for example, tell you the name of the bar where Maureen met Ross. (*laughter*.) It actually is a very nice story.

But after weighing those alternatives and thinking I might not be Dean forever, that some day I might have to actually go back to practicing law; maybe even before the Superior Court; I decided to play it straight. (*laughter*.)

Today is a great day for Professor Maureen Lally-Green and a great day for Duquesne Law School. We are truly honored that Governor Ridge has nominated her and the Senate of Pennsylvania has approved the nomination of Professor Maureen Lally-Green of our law school faculty to the Superior Court of Pennsylvania.

Maureen came to Duquesne Law School in 1971 as a student. She served on our Law Review. When she graduated in 1974, she went to work for the law firm of Houston and Cooper in Pittsburgh before she joined the legal staff of the Commodities Future Trading Commission in Chicago in 1975.

But nobody leaves Pittsburgh forever. I always tell my kids that.

Maureen came back in 1978 as a member of the Westinghouse Legal Department, now known as the DBS Legal Department and now is no longer in Pittsburgh; unfortunately, located in New York City. Aren't you glad you didn't stay with those folks, Maureen? (*laughter.*)

It was during this time she married Ross and began to raise her family.

Maureen returned to her alma mater as a part-time faculty member in 1983, as a visiting professor in 1986. She became an assistant professor in 1987, an associate professor in 1989 and a full professor in 1992. She has taught many things but primarily criminal law, labor law and employment discrimination law; and she has taught them all very well, all with the highest degree of professionalism. Although Maureen is a demanding professor, her students actually like her. The lawyers in this crowd will tell you that is not a universal experience in Law School.

It is perhaps because Maureen so openly communicates her love for the law in her classroom teaching that her enthusiasm is just so catchy among her students. Besides her teaching duties, Maureen has found time to author numerous Law Review articles, to advise and mentor countless students; there is always a line outside Maureen's office; to be active in the local and State Bars, as Barry said and to serve as a consultant to our Pennsylvania Supreme Court.

Maureen has been of major assistance to me in many initiatives at the Law School, among the most important of which I count our international programs and especially our relationship with the University College Dublin Law Faculty where our Chief Justice, Justice Flaherty, has also been very helpful.

I am thrilled that Maureen will remain on the faculty on a part-time basis. I really have come to rely on her help and her advice.

I know that Maureen will bring to the Court the same high level of ability that she has shown at the Law School, together with her buoyant enthusiasm, her intense professionalism and her strong sense of integrity.

You know what they say about Judges, Maureen, they say Judges are simply law students who get to grade their own papers. (*laughter*)

Well, congratulations, Judge Lally-Green! That's a job I know you know how to do very well. (*applause*)

PRESIDENT JUDGE McEWEN: Another dear friend, Sister Melanie DiPietro, partner of the Buchanan firm, regarded as one of the nation's experts in health law, on canon law, a Law School classmate of Maureen and fast friends ever since that day; and of course, Maureen says Mel. Well, I can't quite myself call a Sister, Melanie. Sister Immaculata Marie would have my head. (*laughter.*)

So, Sister, welcome.

SISTER DiPIETRO: Thank you.

Governor Ridge and Chief Justice Flaherty, Justice McEwen, Judges and Friends, I have been given the wonderful opportunity to be the conduit of the greetings of our Carol Mansmann. So let me read Judge Mansmann's letter to you, Maureen.

It is with a joyful heart that I write to congratulate you and all of the citizens of Pennsylvania on this, the wonderful occasion of your induction to the Superior Court of our Commonwealth. Health considerations prohibit me from being with you in person but I couldn't pass the opportunity to send my best wishes.

I congratulate you, but mostly, I congratulate the citizens of our Commonwealth who will be receiving one of the most caring, sensitive, hard-working and intelligent people I know.

We are the recipients of your decision to leave academia for public service where the hours are long, the decision-making difficult and the professional loneliness and isolation from society are demons to be fought daily.

In essence, it is a solitary road upon which you now embark and we are grateful for the dedication and the commitment to the rule of law which brings you to this moment.

I feel able to speak also to your personal qualities since we have known each other for so long. We met when you had just entered Duquesne as an undergraduate college student and I a struggling student at the Law School. We, as women entering the then-man's world of law, had much to discuss. Although that has changed and has been conquered chiefly through the efforts of women like you and the male law professors as well, none of this has changed you and what you believe in.

Underneath it all, you are a distinctly happy person. Happy with your home life, your choice of profession, your faith and your family. You are easy to laugh and quick to console. I marvel at how you achieved balance in all the aspects of your busy life.

On this, your glorious day, I congratulate you for all the personal and professional achievements that have brought you to this moment in our State's history and in your own life. I promise not to call you for advice but to keep my calls social.

On the other hand, don't forget that I am just a call away.

Sincerely, Carol Los Mansmann, United States Circuit Judge.
(applause.)

Maureen, I not only bring to you the thought of Judge Mansmann and the greetings of our classmates, the women who struggled to wonder and know what Law School was all about; laughing together, the crying together; but I bring you the good wishes and the congratulations from those nuns in grade school and high school, first began the academic career, got you ready for Theology 101 and got you ready for the Court.

So whether you are brief to call me Sister or Mel, know always that those women who gave so much to you continue to support you and while this is a joyful day, Judge Mansmann had a poignant message in her letter. She said that public service brings with it long hours of loneliness and isolation and we as your friends know that in our private relationship with you, we saw that you have the character and the qualities in private to make you a good Judge and therefore, a public benefit; but we also know that the oath today is not only your responsibility but as members of the Bar, as your friends, it's our responsibility to make sure that that loneliness and that isolation never become too great a burden either because of the demands we place on you or because of our distance. So that we offer you today is a pledge of our friendship, professionally and personally. Good luck, Maureen. *(applause.)*

PRESIDENT JUDGE McEWEN: Sister Melanie, we would be ever so grateful if you will convey to Judge Los Mansmann our salute for such a moving address and as well our sincere heartfelt warmest wishes.

SISTER DiPIETRO: I shall. Thank you.

PRESIDENT JUDGE McEWEN: As for your message about the nuns, I can tell you I'm one of any number in this room who have eternal debt to what they gave us in these early years.

SISTER DiPIETRO: I always knew your wisdom, Judge. *(laughter.)*

PRESIDENT JUDGE McEWEN: I couldn't beat them then, I can't beat them now. I'll tell you. *(laughter.)*

Well, your program tells you who's next. You know.

Exactly three years ago in July of 1995, I participated in a Ceremony of the Oath at our Capitol in Harrisburg. When we learned that Governor Tom Ridge, then in his very early months as our Chief Executive, could not be present for the Ceremony, the observation was made that he would, in a few years, be presiding over many such ceremonies since the Vice President of the United States regularly assumes that duty for high Federal Officials.

Well, that was then and now is now and the events of the past three years have revealed Tom Ridge to be a Chief Executive of such innovative programs and inspired leadership that there is now a space reserved for the Governor of Pennsylvania not just in Washington, D.C., but on Pennsylvania Avenue, a particular Oval Office down there.

Now, lest those particularly scrupulous souls wonder whether this Judge with this statement has set toe in the political pond, may I reiterate the duty of every Judge to serve the public interest, thus my prediction of the future of Governor Ridge is really a public service announcement. *(laughter.)*

Governor Ridge, we salute you, welcome you and wish you well. Thank you for being here.

GOVERNOR RIDGE: May it please the Court, Chief Justice Flaherty, Justice Saylor, Distinguished Guests, All, Judge Maureen Lally-Green, congratulations. It's great to be with you on this very special day.

It is my honor to join you as you take the next step in your very impressive professional journey. All who have gathered join you in your affirmation of the spirit of law, your dedication to the truth and your devotion to justice.

For each and every chair in our Courts remind us that the law

is the province of the people and the citizens who have stepped forward to occupy those chairs have accepted the responsibilities and challenges of this extraordinary coequal branch of government.

They embody a shared commitment to the rule of law, its citizens and their Constitutional rights in sustaining and nurturing those principles is not only their duty, it is their obligation.

Judges are the guardians of our liberty and with this ceremony, Judge Lally-Green, we celebrate the fact that you have joined their ranks.

In your new role, you will be called upon to act as the people's arbiter. For with you now lies the trust of literally millions; and I have no doubt that you will excel in these tasks and you will join your esteemed colleagues in the defense and support of Pennsylvania's judicial system and our rule of law as well.

While most of your inspiration will no doubt come from favored Jurists and scholars and perhaps the hundreds of Duquesne students you've guided over the past fifteen years and for your loving family; husband, Steve, and children, Katherine and Ross and Bridget; in closing, I'd like to share with you another source of inspiration. It's a quote artist Violet Oakley chose to adorn the walls of the Supreme Court Chamber. Tucked away, unfortunately, not too many people have the opportunity to see and read it. It's tucked away high in the Capitol Building in Harrisburg. The beautifully illuminated panel reads, "The streams of the law flowing through all counties, down through all ages is purified by wisdom and meet in the sea of light."

That is the beauty of the law. That is why we are so proud to practice it.

Judge Lally-Green, on every case you hear, with every judgment you pass down, you will make your mark on Pennsylvania's chapter of the law and by the very nature of your work, you will play an important role not only in the evolving story of Pennsylvania but in the evolving story of justice itself.

That's an awesome responsibility and a wonderful challenge and I cannot think of a more apt person to fulfill it than Maureen Lally-Green.

On behalf of your 12 million fellow Pennsylvanians, I thank

you for the work you have done and most importantly, for the work you have yet to do.

Thank you and congratulations. (*applause*)

PRESIDENT JUDGE McEWEN: We move to the ceremonial part of the ceremony; and of course, that's going to be conducted, led by our esteemed Chief Justice.

Now, the Superior Court sitting in special ceremonial session is especially honored and ever so pleased that our Chief, the Chief Justice of Pennsylvania, John P. Flaherty, has joined us today for the fact of his presence enhances the grandeur of the occasion and the richness of the proceedings. Not just because he is Chief Justice John P. Flaherty, the premier representative of one of the three branches of the Commonwealth of Pennsylvania; nor just because he has assumed the mantle of such legendary Chief Justices with each of whom he served during his tenure upon Supreme Court such as Chief Justices Robert N.C. Nix, Jr., Samuel J. Roberts, Henry X. O'Brien and J. Michael Eakin but because he has blended the individual specialties of guidance practiced by each of those Chief Justices to display during his tenure a marvelously synergistic skill of leadership that has enabled him to preserve the vessel of illumination which our Supreme Court represents during a time when the veil of that temple was in peril of shred and he has now moved the Court to the position of enlightened oracle of the jurisprudence of reason.

So it is that, on behalf of all the Judges of the Superior Court, as well as all of our colleagues who compose the Judiciary of the Commonwealth of Pennsylvania, we salute you and thank you for that leadership.

Chief Justice, we call upon you to present the oath, present the Bible and eventually the oath to Judge Maureen Lally-Green.

CHIEF JUSTICE FLAHERTY: Thank you, President Judge McEwen.

Maureen, would you step forward, please.

(Whereupon, Maureen Lally-Green approached the Chief Justice at the podium.)

CHIEF JUSTICE FLAHERTY: Before we apply the oath, I wish to call your attention to some things that perhaps we don't see. The Governor did. I was impressed.

The Governor came in, he looked up. He was impressed by the grandeur of this room and I'd like you, Maureen, to note that you will assume the life of Jurist under the depictions of three very great law givers.

We have Edward the Confessor. Justinian in the middle. As you can see depicted, the great law giver, Moses; and I would say to you directly before I apply the oath to repeat the words reported as the words of Moses in Deuteronomy, Chapter 1, Verse 17, "Your judges shall judge the great and the small, the rich and the poor and they shall not fear the faith of man." A wonderful expression of the perennial doctrine of judicial independence and it being so essential to the freedom of mankind.

With that, Maureen, please raise your right hand.

PRESIDENT JUDGE McEWEN: Chief Justice, we're going to have the Bible held by the children.

Would the children come over the Chief Justice and your Mom.

MAUREEN LALLY-GREEN: And my mother.

PRESIDENT JUDGE McEWEN: And Grandma.

(Whereupon, the Children and Mother approached the podium next to Maureen Lally-Green and Chief Justice Flaherty.)

PRESIDENT JUDGE McEWEN: Will you all rise, please.

(Whereupon, all present in the Supreme Court Courtroom rose.)

CHIEF JUSTICE FLAHERTY: Would you place your right hand on the Bible as you have. All right. Repeat after me, Maureen. I,—

MAUREEN LALLY-GREEN: I, Maureen Lally-Green.

CHIEF JUSTICE FLAHERTY: Do solemnly swear.

MAUREEN LALLY-GREEN: Do solemnly swear.

CHIEF JUSTICE FLAHERTY: That I will support and defend.

MAUREEN LALLY-GREEN: That I will support and defend.

CHIEF JUSTICE FLAHERTY: The Constitutions of the Commonwealth of Pennsylvania and the United States of America.

MAUREEN LALLY-GREEN: The Constitutions of the

Commonwealth of Pennsylvania and the United States of America.

CHIEF JUSTICE FLAHERTY: And that I shall perform the duties.

MAUREEN LALLY-GREEN: And that I shall perform the duties.

CHIEF JUSTICE FLAHERTY: Of the office of Judge of the Superior Court of Pennsylvania.

MAUREEN LALLY-GREEN: Of the office of Judge of the Superior Court of Pennsylvania.

CHIEF JUSTICE FLAHERTY: With Fidelity.

MAUREEN LALLY-GREEN: With Fidelity.

CHIEF JUSTICE FLAHERTY: So help me God.

MAUREEN LALLY-GREEN: So help me God.

CHIEF JUSTICE FLAHERTY: Lower your right hand.

I present to you Judge Maureen Lally-Green. (*applause.*)

(Whereupon, Stephen Ross Green then placed the robe on Judge Maureen Lally-Green and Judge Maureen Lally-Green then sat in her chair on the Bench.)

PRESIDENT JUDGE McEWEN: While we were standing, Judge Lally-Green moves in such expedited fashion; I thank goodness, we're grateful for that; her husband, Stephen Ross Green, has robed her.

JUDGE LALLY-GREEN: Has robed me.

This chair is a little low. Please do something about this. (*laughter.*)

Chief Justice John P. Flaherty, Governor Ridge, Justice Tom Saylor, President Judge Steve McEwen, Members of the Superior Court, Members of both the Federal and the State Benches from across the State, Father Fenner and Hogan, Sister Melanie, Dean Cafardi, President Simpson, my Family, my Friends and my Colleagues, thank you for celebrating this day with me. It's my honor, my privilege and my joy to have you all here with me.

I was playing golf a couple of weeks ago with my fifteen year-old son. On four consecutive holes I saw him on the tee and I saw him on the green and he got there rather easily and I did not.

So I asked him when I got to Hole Number 5 for some advice and he said, "Well, Mom, you've just got to hit the ball straight." I

realized there is a certain transcendental quality to that statement; and anyone who's played golf knows that's ultimately what the goal is but the execution often leaves a lot to be desired. So I concentrated on what was intended as clear, simple advice and I started to hit the ball straighter. Not exactly straight, but straighter, and we had a good game.

Each of you has at some time in my life shared similar wisdom with me. You've all helped me hit the ball straight in life because you've operated in the context of personal excellence, respect for others, honesty and integrity.

So let me introduce to you a few people who really helped me hit the ball straight. First of all, my husband, Ross. Many of you know him here in the audience. Well, he's about the best thing that ever happened to me. I treasure his wisdom, his support and his humor. And our children; Katie, Ross and Bridge; they keep me going in so many, many ways and I thank each one of you.

My mother, Charlotte Lally and my deceased Father, Frank Lally. Mom is simply a wonderful lady. She's been taking care of me all my life. She still does. She's my advisor, my organizer, my chef, my philosopher, my confidante. Thank you, Mom.

And my deceased Father, Frank Lally, who would be smiling his quiet smile today. Those of you who knew him knew that he was a superb doctor and he was so much more. He was very devoted to his family and always was taking care of somebody.

Dad's inspiration would often be reflected in simple sayings like, "Well, why don't you give it a try" or "Just do your best" or and always, "Say a prayer." He still is very present in all of our lives.

And my brothers and my sisters, I have to admit to you that I might be the least accomplished of this family. (*laughter.*) It was great going first. Anyone who knows them knows that they are the absolute best in their own fields. Yet they always have time and they always have energy for whatever any one of us needs at the moment.

Although I must admit we have kind of redefined what we have energy for as we get older.

We no longer have energy for things like painting, cleaning or moving homes as we used to.

I'm blessed with wonderful in-laws. My husband's parents,

Ginny Green and his deceased Father, Herman Green, welcomed me into their family as a daughter and while Ginny could not be here today, she certainly is here in spirit.

There are so many of you out there in this audience who are my friends, my dear best friends when I was a child and I thank you all for coming here. But let me just highlight for you a few people that have really made a difference, particularly in my professional life.

I look at my grade school and high school friends and colleagues here today and I go through college and Law School and these are some of the people that have really kept me hitting the ball straight. Patsy McKinney, my friend for umpteen years. My dear friend, Sister Mel. I can call you "Mel" even if President Judge here has a problem with it. (*laughter*)

There is our own U.S. Attorney Linda Kelly, wherever Linda is and Rod Fink. We were all part of the little group that kept each other going. There is also Kandy Reidbord Ehrenwerth. She passed away in 1992 but she touched us all with her spirit and kept us going.

Professionally, I could name all of you, every single lawyer who is here today. So let me just thank certain people who were my bosses. Ray Scannell who is here from Richmond, Virginia who basically taught me every thing I know about litigation. Thank you, Ray. And my General Counsel at Westinghouse, Bob Pugliesi, who kept the doors open for me.

There are my colleagues for fifteen years at Duquesne University, Dean John Sciallo, all the faculty members but particularly the senior faculty members who just kept pushing me on and saying, you can do it. President John Murray and then, of course, my dear friend, Nick Cafardi.

There are my colleagues on the various Appellate Courts and trial Courts of this Commonwealth. I'll name a few. Our own Justice Newman who could not be with us today because of a bad cold. She's been so kind and wise over the years, always giving me the advice that's right. And Justice Tom Saylor who for the past two years has guided me so wisely. Thank you.

Each colleague on the Superior Court has been wonderful. I do have to give special mention though to my coaches, Judge Del Sole, Judge Kate Ford Elliott and Judge Justin Johnson who pinch hits all

the time. Thanks.

I must especially acknowledge, though, Judge Carol Los Mansmann. She's a constant source of inspiration to every one of us. We pray for her complete recovery and thank God every day we've had the blessing of knowing her.

For ten years I've had the privilege of working with the Chief Justice. I had been taught by the best teacher imaginable and I thank you, Justice for everything you have done.

Governor Ridge. Most sincerely, I thank you for this opportunity to serve. You have been wonderful to me and I'm privileged to have you here today. I thank you very much.

And finally, thanks to two groups, first of all, to the very many members of the Republican Party who helped make this day possible and thank you to the State Senators who paved the way for confirmation. Senator Tim Murphy, Senator Mary Joe White and my own Senator and dear friend, Senator Melissa Hart, thank you.

And finally, my family and our friends, I thank you all publicly for the deep friendships you have shared with me over the years. They have been food for the spirit and it wouldn't have been possible to do this without you.

With the grace of God, let us keep advising others on how to hit the ball straight and to continue to do so with those we have not yet met. Thank you and God bless each one of you. And now, let's have our party. (*applause*)

PRESIDENT JUDGE McEWEN: In a moment we're going to hear from Father Sean Hogan but you heard about a few of the people here whom we recognize. I want to recognize some others but so as not to tire you out for what lies ahead across the street, reserve the applause until I mention some of the people who are here.

You already heard about Senator White, Senator Murphy, Senator Hart, U.S. Attorney Kelly. Here is County Commissioner Larry Dunn, a pillar of the community of the region.

We have with us as well former Mayors, Mayor Pete Flaherty, Mayor Sophie Masloff, Rita Wilson Kane and as well over here we have the esteemed Justice Emeritus of the Supreme Court, Nicholas Papadakos. Monsignor Andrew Karg of the Diocese of Erie and Pastor of Our Lady of Peace Church as well as Father Oldenski,

Pastor of St. Richard's Church as are our colleagues upon the bench of Pennsylvania. You have heard, of course, about Chief Justice Flaherty and Justice Saylor.

May I introduce my colleagues upon this Bench and that will be, let's see, we have Judge Patrick Tamilia, Judge Jack Hester, Judge Berle Schiller, Judge Michael Joyce, Judge John Musmanno, past President Judge Bill Cercone, Judge John Brosky, Judge—I should tell you the Counties they're from. Allegheny, Allegheny, Montgomery, Erie, Allegheny, Allegheny, Allegheny. Getting the picture? Allegheny, Allegheny, Allegheny. We've got Judge Mike Joyce who came from Erie. Mike Eakin from Cumberland. Joe Hudock from Westmoreland. That's Westmoreland. Judge Joe Del Sole from Allegheny. Our dear Judge. Judge Justin Johnson from Allegheny, Judge Kate Ford Elliott from Allegheny.

With us as well are our colleagues from the trial bench in Allegheny County, Judge Max Baer, Judge Cynthia Baldwin, Judge Gerry Bigley, Judge Judith Friedman, Judge Joe James, Judge Jeffrey Manning, Judge Donald Machen, Judge James McGregor, Judge James McLean, Judge Terry McVerry, Judge Terry O'Brien, Judge Eugene Strassburger, Judge John Zottola and coming from Butler President Judge Martin O'Brien, Judge George Hancher, Senior Judge George Kiester as well as from Lawrence County, Judge Dominick Motto and from Mercer County, Judge Frances Fornelli. Somewhere out there Judge Scanlon as well.

Somewhere out there are Dean Thomas Murrin of the Duquesne Business School and Jack Doherty, Chief Disciplinary Counsel for the Supreme Court.

We will call upon Father Sean Hogan; isn't that a great name to wake up to each day; Sean Hogan (*laughter.*) Maureen tells me that he's what they call the Dean of Students at Duquesne. In my day at St. Joe's they called him a Dean of Discipline also known as the Sheriff; and we'll hear from Father Hogan. He will provide the Benediction in just a moment; and can I say that it's been an absolute joy, Maureen. The Ceremony of the Oath is the happiest of occasions. As your legendary Mayor and our great Governor of Pennsylvania, David Lawrence, once remarked "Ceremonies of the Oath are like birthdays and bouquets, smiles and sunsets, there should be more of them."

So thank you, Maureen, for this one. (*applause.*)

PRESIDENT JUDGE McEWEN: Father Hogan, you can have the last word like the nuns always have the last word. I have just another word.

You know, Auntie Mame, in the person of Rosalind Russell on the Broadway stage and Lucille Ball in the Hollywood production, declared; romping across that stage; We need a little Christmas. So thank you, Maureen, for bringing us a little Christmas in July. I can assure you this Christmas in July will last you through many a July. That's for sure.

Father Hogan, please

FATHER HOGAN: Let us pray. Heavenly Father, the book of Michael tells us our being torn about is good and what the Lord requires of us only to do what is right and to love God and to walk humbly with your God.

Heavenly Father, you have lavishly bestowed all your gifts and we thank you for the gifts and favors you have given to Maureen Lally-Green; to her husband, Ross; her children, to all her family. Continue to be with her and then as she assumes the responsibilities of Judge in the Superior Court of Pennsylvania.

Heavenly Father, continue to bless our Commonwealth, our Governor and all our elected officials. Send your Holy Spirit to inspire them, to enlighten them as they meet and guide the people of this great State.

And Maureen, as you assume this great office, may God guard you every day and every night and watch over you. May God smile on everything you do. May God go with you. May God love you.

May your days be as bright as the meadows of Killarney, your spirit as high as the blue Irish sky, may you walk in the pathway where the shamrocks are growing and blessings to you for a wonderful life.

May the road rise to meet you, may the winds be always at your back, may the sun shine warm upon your face, the rains fall soft upon your fields and may almighty God hold you in the palm of his hand and may almighty God bless you when you work and allow the Holy Spirit to bring gifts of wisdom, understanding, counsel, knowledge, fortitude, piety and fear of the Lord be with you always in your work and in your home. Amen.

THE AUDIENCE: Amen.

PRESIDENT JUDGE McEWEN: Thank you, Father Hogan.

Mr. Crier, will you bring this very special session of the Superior Court to a close, please.

THE CRIER: Welcome, Judge Lally-Green. Court dismissed.

(Whereupon, at 5:36 p.m., the Ceremony of the Oath Proceedings are concluded; and the following is an addendum to the Proceedings.)

JOHN LALLY: Thank you, President Judge McEwen, for the kind introduction. I would like to start by thanking the Governor and Chief Justice Flaherty for being here today. And I know there are many other elected officials and Members of the Bench here, in fact, too many to mention by name. From the bottom of my heart and that of the entire Lally Family, we would like to thank you for being here today, your support of Maureen over the years and in sharing this ceremony with her.

Together with my sister, Carol, I have been asked to introduce Judge Maureen E. Lally-Green's immediate family, our mother and siblings. As standard practice in a larger family, the responsibilities to introduce all the members will be shared by Carol and myself. Carol will introduce her brothers and I my sisters.

We are from a family of eight children; three girls, five boys and a few dogs thrown in. Our parents, Frank and Charlotte, met after World War II and were married on February 2, 1948. They brought up their family in the Sharon/Sharpsville area of Western Pennsylvania.

Maureen is the eldest of the family. Her husband, Ross, is General Counsel to a bank in Western Pennsylvania. They have three children; Katie is going to be a junior at Vincentian High School this fall, Ross a sophomore at Pittsburgh's Central Catholic and Bridget an eighth grader in the Seneca Valley School District.

And now our Mother. Mom was born and raised in Beaver County, went to war as an Army nurse, came home, got married, raised a brood of eight children and now plays bridge seven days a week. Now that is the American Dream! She and Dad gave us many, many things and again, too numerous to list. But if there was a list,

on it would be a sense of direction in life, a sense of urgency to accomplish and a love and respect of God, family and country. In my eyes, Mom and Dad had the perfect gene pool! If for no other reason than being our Mom, would you join me in a round of applause for who has to be the proudest Mom in Pennsylvania today, our Mother, Charlotte Lally.

Carol, here today with her husband, Jerry Shields, are both ophthalmologists at Wills Eye Hospital in Philadelphia. They have six children.

Margaret, fondly called Maggie, is a dermatologist practicing at UPMC St. Margaret. She and her husband, John Marous, have five children and live in the Pittsburgh area.

And now for the boys' introduction, I would like to introduce to you my sister, Carol.

CAROL LALLY-SHIELDS: Thank you, John. I would like to echo John's opening remarks by thanking the Governor and Chief Justice Flaherty and all the dignitaries for being here today. It certainly means a lot to Maureen and all of us.

Our eldest brother is Frank. He is a cardiologist at Sewickley Hospital. Together with his wife, Kriss, have three children and live in the Pittsburgh area.

Next in line is Mike, a vascular surgeon at Mercy Hospital. He and his wife, Diane have four children and live in the Pittsburgh area.

My brother, Pat, could not be here today with us. He is also an ophthalmologist in the Latrobe/Greensburg area. He and his wife, Val, have three children.

John, who you have already met, is a practicing CPA with the firm Lally & Lally, CPA's. He and his wife, Kiera, have four children and live in the Pittsburgh area.

And lastly, but certainly not least, is the youngest of the Clan, my brother, Bob. Bob is also a CPA and is a partner with John in the CPA practice. He and his wife, Amy, have one child and are soon expecting their second. They also live in the Pittsburgh area.

Maureen – that is YOUR HONOR – on behalf of your Mom and Dad, your husband and children, your 7 brothers and sisters, in-laws and out-laws, 29 nieces and nephews and your many friends and business acquaintances, we congratulate you on your appointment as

a Superior Court Judge in the Commonwealth of Pennsylvania.

Our parents had a saying that they would have us repeat as youngsters and that saying is “All for one and one for all – we stick together.” I think that saying still applies now. From all four borders of the State, Maur, you can always count on our support.

Congratulations and Thank you.

THE HONORABLE DEBRA M. TODD



*October 15, 1957 –
Assumed Office: January 3, 2000
County: Allegheny*

INDUCTION CEREMONY

Friday, January 7, 2000
9:30 a.m.
Pittsburgh City Council Chambers
City-County Building
Pittsburgh, Pennsylvania

PROCEEDINGS

PRELUDE: AMAZING GRACE

Vocalist: Mr. Walter Chambers

COURT CRIER: The Honorable, the Judges of the Superior Court of Pennsylvania.

(Whereupon the Judges entered.)

COURT CRIER: Oyez, Oyez, Oyez. All manner of persons having business to come before the Honorable, the Judges of the Superior Court of Pennsylvania, holden here this day, let them come

forward and appear and they shall be heard. God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE STEPHEN J. McEWEN, JR.: Thank you, Mr. Crier.

We are assembled today for the ceremony of the oath of Judge Debra Todd, an occasion garbed in pomp and gowned in ceremony, a most solemn event to be sure, all because the oath to be taken by Judge Todd obliges above and beyond any contract, and even binds far beyond commitment, for the oath of the judiciary is a solemn pronouncement of a covenant for which the Almighty serves as party and a formal declaration by Debra of her oath to serve well the Commonwealth and its citizens.

The ceremony of the oath is as well a moment of passage for Debra Todd as she moves from the bar of the court to the bench of the court by way of the Bible, upon which she will utter a solemn promise to perform new duties with dedication, to confront new challenges with determination, and to consecrate her professional life to the cause of jurisprudence.

This auspicious occasion can aptly be termed a consecration or a celebration or a ceremony. But whatever the *de jure* description, there is a *de facto* characteristic which pervades this scene and fills the room. I refer of course to the rich, warm, happy glow which all here sense and feel, to the emotion which each individual, whether family member or friend or associate, reveals and reflects, namely absolute joy and delight.

Debra, the destiny this morning which you achieve has been preceded by a journey measured in years, motivated by determination, marked by dedication.

May I with certainty tell you as you don this morning the robe of the Pennsylvania appellate judiciary, the robe conferred by the people of Pennsylvania, may I assure you that your consuming effort has borne the richest fruit, because as indeed each of your new colleagues upon this court will attest, the joy of this day will remain with you for each day hence, never to be diminished, only to be enhanced and always to be accompanied by a deep and abiding sense of fulfillment.

Now let us proceed to the invocation by the Reverend David P.

Gleason, Senior Pastor, First Lutheran Church.

REVEREND GLEASON: Let us pray.

Oh, Lord, our Governor, Your glory shines throughout the world. We commend our nation and our Commonwealth to Your merciful care that we may live securely in peace and in justice and be guided by Your providence.

Give all who are elected to positions of authority the wisdom to know Your will and the strength to do it. Help them to remember that they are called to serve Your people with compassion and care as lovers of truth and justice.

Especially endow Your servant Debra with the wisdom, strength, compassion and courage to serve faithfully and well as judge of the Superior Court.

We ask this in the name of Christ our Lord. Amen.

PRESIDENT JUDGE McEWEN: Thank you, Reverend Gleason.

It is a unique occasion for the ceremony of the oath of the Superior Court to be conducted in other than a tribunal, a forum room, a courtroom, and we are ever so grateful to the City Council for making this room available, and to each of the members of the Pittsburgh City Council for enabling this court, while our room, the Supreme and Superior Courtroom on the eighth floor is being renovated, to conduct this ceremony of the oath in their chamber.

And what a magnificent setting it is. For surely the exceptional beauty of the room and the august, irreplaceable features and ornate carvings exemplify in Gibraltar fashion the stability, dependability and reliability of City Council, and inspires, of course, pride within the citizens of Pittsburgh in their city government.

How impressive a sight are the flags of the eight sovereign nations where Pittsburgh has sister cities around the world. And how rich the tradition of City Council conferring immortality upon the mayors of Pittsburgh by recording across the room their names and tenures for all to see and recall and admire, commencing with Mayor Ebenezer Snedden, mayor in 1817, right through the present time.

But may I tell you that my eye is especially drawn to the far wall and the plaque of David Lawrence, your mayor, our governor, maker of presidents, a political legend, one special individual.

So with a special thank you to Council President Bob O'Connor, and all the members of City Council, City Clerk Linda Johnson-Wasler and Deputies John Mascio and Mary Beth Doheny.

How appropriate it is then that the first individual to offer welcome and greetings is Councilman Gene Ricciardi of the City of Pittsburgh.

Councilman Ricciardi represents District 3 of the city, which Debra tells me is, for me, the South Side, but she says I will be much more accepted if I say Sath Side. So I've been trying for a few hours, Sath Side.

JUDGE TODD: Sath Side. (*laughter.*)

PRESIDENT JUDGE McEWEN: Well, I guess I have to register to vote there to really get the pronunciation.

Councilman Ricciardi is known by all as a consummate gentleman, which could be a reason he became honorary chairman of Debra's campaign committee. The Councilman has made senior citizens his particular concern and care. And for that we offer him a particular salute.

And I am told that in his district there are two revered figures, two icons; Gene Ricciardi and Mario Lemieux, in that order.

Councilman Ricciardi. (*applause.*)

COUNCILMAN RICCIARDI: Thank you, Your Honor, and good morning to all.

Now I see why such great intellects serve on our appellate courts, because our presiding officer just gave my remarks.

Firstly, however, I need to say that the singing of the song Amazing Grace was done just so wonderfully, and I think Mr. Walter Chambers did a magnificent job and we thank you for that. (*applause.*)

COUNCILMAN RICCIARDI: On behalf of Pittsburgh City Council, I would like to take this opportunity to welcome the Todd family, Debra, Alex and Steve, and all of you to our chambers today. And we are truly honored that we are part of this important event, the swearing-in of Debra Todd to this, to the Superior Court.

It's fitting that it's a first and it's fitting that Debra Todd would be a first, because as our presiding officer has stated, these chambers have witnessed many magnificent events, lively and spirited debates

and dialogue.

And important and great individuals have been in this room, such as Governor Lawrence, Mayor Joseph Barr and the Honorable Dick Caliguiri. And it's fitting that the first would be a person of such high caliber such as Debra Todd.

I've had an opportunity over the last few years to spend much time with Debra, and I say this with no hesitation. I believe that she will serve the Commonwealth with distinction, with integrity and with honesty. And I believe that she will be fair to all.

She brings the right credentials to the court, trial court experience, a solid educational background and much community service.

But I need to tell you all I'm not an attorney and the majority of people in the Commonwealth are not attorneys. And as you all know, a judicial candidate cannot express their feelings on a particular issue. As a matter of fact, I was at lunch with Debra and I said, "Do you like beef or veal?" She said, "I can't say." She whispered it to the waiter. *(laughter)*

So an individual such as myself and voters throughout the Commonwealth, we look at something special. We don't look at the credentials, we just take for granted that anyone running for the court has the right credentials. We look for something special.

And I think we found it. And I think Debra realized it, back in '97 in the primary, from 11 candidates, she placed first. And this past general election she led the ticket.

So the voters saw something special in Debra. And I think we all know what that is among ourselves, just the way she was able to reach out. And she reached out across the board. Look at the results. And if you've had access to the polling results, you would see that.

She had the support of the corporate, the business, and the labor community, black and white, rich and poor, young and old, Democrat and Republican. She had votes from the city and from the suburbs.

And how did she do that? Once again, I believe because she's a special person and she's earned that support. And it was a pleasure on behalf of many of you to give her that support.

And in closing, I would like to say it's not a slogan, it's not a cliché, but Debra Todd, a Superior Choice for Superior Court.

Congratulations. (*applause*)

PRESIDENT JUDGE McEWEN: Thank you, Councilman Ricciardi.

Next to offer remarks will be Lester E. Zittrain, attorney and Board of Governors Liaison for the Allegheny County Bar Association Judiciary Committee, a long-time friend of Debra, a long-time friend of Superior Court and an inspiration really for historical lectures which we attend annually here.

Where is that Lester? Lester? (*applause*)

MR. ZITTRAIN: President Judge McEwen, distinguished members of the judiciary, the bar, honored guests, reverend clergy, friends and family of Debra Todd, good morning to you all.

I am honored and extremely pleased to have been asked to participate in Judge Todd's induction ceremony.

I am here in a dual capacity.

First, on behalf of the Allegheny County Bar Association, its board of governors and its several thousand members, we extend to you, Judge Todd, a hearty and well-deserved congratulations. We are very proud of your many accomplishments and on your election to the Superior Court.

Secondly, however, because of the longstanding and continuing relationship between the Todd and Zittrain families, I feel a great personal satisfaction in applauding you as you take your seat on the bench.

Debra, it has been nearly 20 years since you and Ruth first met while performing--no, starring, in the big show at the Annual Bench Bar Conference at Seven Springs. Our families have since vacationed together and enjoyed attending the Broadway Series, where I was convinced at each musical performance that you could be singing the lead role on stage.

We have shared your joy in welcoming the beautiful Alexandra into your home. Our law firms have shared offices and worked together on various matters. And I consider Steve a good, good friend. As we Southerners like to brag, he's my fishing buddy.

Debra, you certainly realize the great responsibility you are now undertaking. There is no question in anyone's mind that you will fulfill that responsibility in an exemplary fashion. Your love and

understanding of the law, your demonstrated abilities, your compassion, wit, sense of humor and capacity to relate to others, all these traits will assure your being an outstanding jurist for many, many years to come.

The citizens of Pennsylvania are indeed fortunate. Again, Judge Todd, congratulations and best wishes to you as you embark on your new career. And, to quote a popular tune from yesteryear, *Via Con Dios*, Judge Todd, *Via Con Dios*. (*applause*)

PRESIDENT JUDGE McEWEN: What are you going to do with a guy who puts a little Southern accent in there and finishes with a little Spanish at the end? Talk about a versatile guy. Boy.

Next I present Judge Ford Elliott, an esteemed colleague upon this Court, a judge who herself has this week renewed her oath of office by reason of her completion of ten years of exemplary service with and to this Court and her retention election success in November.

Judge Ford Elliott, well, she's I would have to say a woman whom her heritage has blessed with bright hue of lock, soft sparkle of eye, and abundance of grace, and an individual whom heaven has blessed with a rare perception, a special insight, and an articulate fluency in the language of the law as well as a firm commitment to the rule of the law. (*applause*)

JUDGE FORD ELLIOTT: Now you can see why it's going to be such a terrific time. Those are welcome words for someone who just turned 50, Steve.

Justice Zappala, President Judge McEwen, my colleagues on the bench, friends all, it is a distinct privilege for me to be here today to welcome a good friend to a great court.

Having served with my colleagues who are all here today over the last ten years, I can tell you, Debra, that the Superior Court is a very special place to be.

You assume a new role today. You add it to the number of roles that you have had in your life that you've handled so well, whether it's as an accomplished and respected lawyer and advocate, as a wife and as a mother.

And I can also tell you as a mother myself that there's a unique characteristic to our role as a judge. Nowadays when we tell

somebody to do something, they actually do it without continuously asking why. (*laughter*)

As you assume the role of judge, I know you fully appreciate the tremendous responsibility and sensitivity that is interwoven in the robe which you will put on today.

When I am asked to describe what I do as a judge, I say very simply that I make important decisions about other people's lives. And I know that you understand just how important and solemn that responsibility is.

The people of Pennsylvania have entrusted you with that responsibility because they know that you are up to the task. But before we get too high and mighty here, let us reflect on what else you're getting yourself into. And I know that my colleagues, all of us on the bench, will concur.

First, no matter how well you handle a case, be prepared to be criticized, for approval and praise are not a part of the job description.

Also, half of the people who appear before you, the ones who lose, will think that you are a complete dolt, while the other half, those who get a decision in their favor, will pat themselves on the back and say what a great job they did.

And finally, because you have chosen public service, you have relinquished all of your privacy rights and you will also now be held to a much higher standard than any who appear before you.

But since you asked for it, and because I know you, I can state unequivocally for those in this room that for this job you have all the right qualifications. This is a role you have diligently pursued in the face of much adversity.

And having been there myself, I understand and I also empathize with the toll that a statewide campaign can have on a judicial candidate. I know that the time spent away from Alexandra is a very painful memory.

But I also know that Alexandra will understand and be very proud of you as she grows up, not just because her mother will become a great judge, as we all know that you will, but also because she will come to understand the commitment and the courage and the class which you exhibited on your road to the bench.

As I welcome you today to the Superior Court, my fervent wish

is that in time you will share and have completely the respect, the recognition and the personal satisfaction that you very richly deserve.

I wanted to say congratulations to Debra, my friend, and I wanted to say welcome to Judge Todd. (*applause*)

PRESIDENT JUDGE McEWEN: Thank you, Judge Ford Elliott.

As you can see from your programs, Judge Donetta W. Ambrose is the representative of the Federal judiciary in our midst. She is well-known as a most personable, pleasant individual whom people are always glad to see, whether for but a wave or a chance to chat.

During her years on the Westmoreland County Common Pleas bench and now upon the United States District Court for the Western District of Pennsylvania, she's become celebrated as a judge with such a special gift for deferential, confident advocacy that she's able to persuade her colleagues to her point of view, so much so that one of these colleagues once referred to her as a judicial magician.

Judge Ambrose. (*applause*)

JUDGE AMBROSE: Good morning. I am delighted to congratulate my friend, Debra Todd, on the occasion of the administration of the oath of office as judge of the Superior Court of Pennsylvania.

The day after the general election, my colleague Don Ziegler and I were discussing the results. Of Debra, he said, she's a star.

I couldn't agree more. But what I loved most about his comment was the acknowledgement by perhaps the most respected member of the Federal Court in Pittsburgh, the chief judge of our court, that Debra Todd had won a reputation for stellar advocacy, for superior courtroom skills, and for being the kind of earnest and open individual that every lawyer would like to be thought of as being.

I share Judge Ziegler's opinion of Debra Todd, the lawyer. But I have been much more fortunate because I have been blessed with knowing Debra Todd, the friend. Let me tell you, as a friend, she's a star.

Debra is a sincere, have-a-nice-day kind of gal. Her many acts of kindness exhort others to do the same. Her goodness is endearing. Her sense of humor is contagious. Whether we're lunching, shopping or tap-dancing, we're always laughing.

What I want to say about Debra, my friend, is that she is a good

person who cares about people, who reaches out to people, who treats people as if they really matter. She is a person who does her job well. She is a good family person.

So I am happy today that my friend Debra is becoming a judge of the Pennsylvania Superior Court. But I am happy not only as her friend but as a citizen of this Commonwealth.

I am happy because her election makes our democracy more representative. I am happy because her election to this court shows what is possible in this great country of ours as we approach the 21st century.

I am also happy because I know that when Justice Zappala administers the oath of office to her today, she will be in touch with what that oath means.

Every judge present here today knows that there will be a moment in his or her career when he or she will have to make an unpopular decision. That's when we get the editorials, the publicity, the comments, calls and letters that are hurtful.

When that time comes for Debra, I am certain that she will make her decisions according to the oath that she takes today; that she will never compromise her values; that she will never lose her integrity.

The courts are the branch of government that keep our democracy afloat. I am so happy to have Debra represent us there.

Congratulations to Steve, Alex and my friend Debra. (*applause*)

PRESIDENT JUDGE McEWEN: Thank you, Judge Ambrose.

We move now to the address this morning of Auditor General Robert P. Casey, Jr.

You know there are 67 counties in Pennsylvania. Lackawanna is only one of them, but what a county of impact. For Lackawanna County has, in the last half century, given Pennsylvania two governors, a leader of the Pennsylvania delegation to the United States Congress, a leader in the Pennsylvania Senate, and presently the Auditor General.

Of course Lackawanna is the county which has blessed Pennsylvania with the Casey clan, and how grateful we can be for that gift, since the commitment which that clan has devoted to the goals

of the Democratic party have always been tempered by an awareness and appreciation for the most basic goal of all, the commonwealth, the good of all the people.

That clan has as well always exemplified the hammered, the tried, the true product of our American political arena, a system that has produced our greatest leaders.

Fortunately, the characteristics of an intellect of purpose and a spirit of dedication are genetic in the Casey clan, for Bob, Jr. has demonstrated during the last four years as Auditor General, and will continue to do so in the decades ahead, those same exemplary prerequisites for public service which his beloved father displayed during his eight years as governor.

Mr. Auditor General, will you please extend to your father our warmest wishes and advise him that he is in all of our prayers at this difficult time.

I present Auditor General Robert P. Casey. (*applause*)

AUDITOR GENERAL CASEY: Let me say first, may it please the court. I should do that as a lawyer I think, but I'm truly honored to be here with Justice Zappala, great to see you. And we're honored by your presence.

And of course President Judge McEwen and the members of the Superior Court who are with us this morning, and the members of the Allegheny County bench and all of the elected officials and other members of the bar, labor leaders, it's a great morning and it's a great morning to gather.

I have to say first that when Debra Todd, she's got a couple more minutes as only Debra Todd, but when she called and said that she wanted to have me be part of this, I was truly honored.

And I know people say that all the time that they're honored to be part of a great ceremony, but you can't believe how honored I am because I have the opportunity this morning as a former practicing attorney to appear before the Superior Court of Pennsylvania and not be interrupted by probing questions.

And Justice Zappala indicated this morning that would be true of the Supreme Court member who is here also. I appreciate that.

But it's a great day for Debra. It's a great day for Steve and Alex and their whole family, because this is a day, when you think about it,

and Judge McEwen said it earlier, it's a day of celebration because this morning we celebrate I think a couple of things.

First of all, we celebrate our democracy and all that that means, and in this case, the democracy that's entailed in the judiciary.

But we also celebrate the Superior Court of Pennsylvania, a court that many of you know deals with all kinds of issues, all kinds of problems and challenges. Civil matters, criminal matters, you name it, it comes before that court. And it's a very active and a very distinguished part of our judicial system.

So we celebrate this morning that court and the heritage and the tradition and the excellence that that court embodies.

We also celebrate I think today a special person and her achievement, her record of achievement and her record of scholarship. Whether starting back at Lincoln High School, through college as an honor student, through law school, through her excellence as a trial lawyer and advocate.

You read her record and it's one of excellence and integrity and I think all of the qualities you would want in a judge, but I think all of the qualities especially that you want in an appellate judge.

I think one of the best summations of that was in 1999, the Pennsylvania Judicial Evaluation Commission said this, and I quote, it said that Debra Todd had "a strong commitment to fairness" and that she was a person "who will deal with all litigants in an impartial, independent and respectful manner."

That says it all for the kind of person we want on this great court.

I think today also this is the celebration of a family, a family. And I don't just mean a family who has just gone through a statewide judicial campaign, as important as that is.

This is a celebration of a family that started a long time ago when Debra's father was a steelworker for 30 years or more, but at least a member of the United Steelworkers for 30 years, and her mother Blanche and what she went through as a homemaker.

That's where this story started. And it's a story of achievement and it's a story of success. But it's also a story of a long journey. And I think that the family, that family has traveled that journey. I saw it personally.

I spend a lot of time on the road. And I can tell you every, the

price of every item in the vending machines on the Turnpike, I spend so much time on the road.

And I think soon-to-be Judge Todd can say that also, because when you run statewide- and I used to see her in a white van. She was traveling all throughout the state in 1997, '98 and her successful election in 1999. That is a hard, hard road, as many of you know.

And she traveled it sometimes alone and she traveled it with her family. And I saw Alex at a couple of stops along the way and she did a great, great job with her mom. And Steve was there the whole way. That's a long, long journey. And it started with her parents so many years ago.

But I think in a larger sense this morning, this is the celebration of a Pennsylvania story, and maybe even more particularly a Western Pennsylvania story. This is what we're about in Pennsylvania. We're not a state of, you know, everybody's rich and everybody's got an easy road.

We're a state of workers. We're a state that has to struggle year in and year out, day in and day out, a state of working families.

And that's what this is this morning, I think, a celebration of a real Pennsylvania story, a story of hope, a story of opportunity, a story of dedication and perseverance, and I think a story of integrity. That's what this state is all about. That's what this great Commonwealth is all about.

So we celebrate that this morning. We celebrate this great, great Pennsylvania story. And we know that Debra will be a great jurist on this court. We all know that and we look forward to her demonstrating that every day.

And every time and every day that she wears those judicial robes, she will be a reflection of that great Pennsylvania story and that great story and that great journey that her family traveled all these years.

So, Debra, I congratulate you and we wish you well. Congratulations. I know you're going to be a great judge.

Thank you very much. (*applause*)

PRESIDENT JUDGE McEWEN: Thank you, Auditor General Casey.

We will now proceed with the administration of the oath by

Justice Zappala.

But we should perhaps be aware of just who is here to witness this oath. And so I'll introduce the family members of our new judge. Steve Todd. (*applause*)

PRESIDENT JUDGE McEWEN: Alex Todd down here.

Can you see her? Alexandra, but they call her Alex, is that right?

JUDGE TODD: Right.

PRESIDENT JUDGE McEWEN: If we had a crier, we could boost her up now to let them all see her. Pat, let them all see her.

(Alexandra being helped to the tabletop.) (*applause*)

PRESIDENT JUDGE McEWEN: I think we have a candidate. I think we have a candidate. Thank you, Alex.

Mary Johnston and her husband Bruce Johnston. (*applause*)

PRESIDENT JUDGE McEWEN: Mary's a sister of Debra, as is Nancy Woods and her husband, James Woods. (*applause*)

PRESIDENT JUDGE McEWEN: Two nephews are here, Jeff and James Woods. (*applause*)

PRESIDENT JUDGE McEWEN: Mother and father-in-law, Rayburn and Juanita Todd. (*applause*)

PRESIDENT JUDGE McEWEN: And sisters-in-law, Jane Anderson and Ruth Matson. (*applause*)

PRESIDENT JUDGE McEWEN: The elected officials and distinguished guests include, of course you met Auditor General Robert P. Casey.

Now we come to another legend from Allegheny County as well as Harrisburg, Catherine Baker Knoll. (*applause*)

PRESIDENT JUDGE McEWEN: Mayor Tom Murphy was here.

Dan Onorato, the county controller. (*applause*)

PRESIDENT JUDGE McEWEN: Valerie McDonald of Pittsburgh City Council. (*applause*)

PRESIDENT JUDGE McEWEN: And Jack Shea, President of the Allegheny Labor Council. (*applause*)

PRESIDENT JUDGE McEWEN: I know about that Allegheny County Labor Council. They have stationery which says Labor Never Forgets. Boy. (*laughter*)

PRESIDENT JUDGE McEWEN: I forgot a couple names. I'll tell you, Senator Costa's here. Where is Senator Jay Costa?
(applause)

PRESIDENT JUDGE McEWEN: Jury Commissioner Jean Milko. *(applause)*

PRESIDENT JUDGE McEWEN: We had the county controller, now City Controller Tom Flaherty's here as well.
(applause)

PRESIDENT JUDGE McEWEN: Councilman Mike Diven.
(applause)

PRESIDENT JUDGE McEWEN: Like they said in Music Man, Robert Preston sang a great number, you got to know the territory. And obviously Justice Zappala knows the territory and the faces that go with the territory.

We have as well members of, and very pleased to have our colleagues from the Common Pleas Court of Allegheny County present with us. And they are Kathleen Durkin, Kim Eaton, Livingstone Johnson, Bob Kelly, Judy Friedman, Bob Dauer, Jim McGregory, Bob Gallo, Cynthia Baldwin, Alan Penkower, Jeffrey Manning, and as well United States Magistrate Ila Jeanne Sensenich.
(applause)

PRESIDENT JUDGE McEWEN: Emil Narick as well.
(applause)

PRESIDENT JUDGE McEWEN: I want to tell you (indicating Justice Zappala), he is one great assistant.

We proceed now to the sacred part of the morning, the administration of the oath of office. That will be, the oath will be administered by Justice Stephen Andrew Zappala.

Now, all of the justices of the 49 state supreme courts and the nine justices of the United States Supreme Court full well realize that the Supreme Court of Pennsylvania is the oldest supreme court in the land, since it was in 1682 that William Penn, upon his voyage and arrival in the land grant of Penn's Woods, established the Supreme Court of Pennsylvania, the tribunal which he designated as the consummate tribunal of appeals of law arising from the affairs of the citizens of his Commonwealth.

How honored and pleased then are the judges of this court that

a most prominent member of that eldest tribunal will administer the oath, for Justice Stephen Andrew Zappala thereby enhances the grandeur of the occasion and the richness of these ceremonial proceedings.

One, by reason of the distinction he has brought to the jurisprudence of this Commonwealth through his penetrating eye for a justice that is swift and sure, while being fair and equitable; by reason of a prized intellect, for he is ever mindful that the jurisprudence of his court always poses a dual challenge, since each case brought to it must present in bright and vivid color a clear and certain decision even while portraying in lighter hues and suggestive tones a vision of principles upon which to rely in the future; and as well, by reason of a special part he has played upon that court for almost two decades, as the lead vessel of the judicial branch who has completed passage through the uncharted shoals of the past decade to emerge through recent years as the shining flagship of the jurisprudence of reason.

And so it is that, on behalf of all the judges of the Superior Court, as well as our colleagues who compose the judiciary of the Commonwealth, we salute you and thank you for your leadership, and welcome you to this ceremonial occasion so that Justice Zappala may this morning administer the solemn oath of the judiciary to our newest member, Judge Debra M. Todd.

Justice Zappala. (*applause*)

JUSTICE ZAPPALA: Indeed, it is a pleasure to be here this morning.

But I would first like to comment about the in-house discussion between President Judge McEwen and myself when I had said that I would refuse to attend if my introduction was any less than what he had given John P. Flaherty, the Chief Justice. So in order to ensure my attendance, I wrote it. (*laughter*)

JUSTICE ZAPPALA: Only goes to show the importance of a supreme court.

Debbie, indeed it is an honor on my part to sit here this morning and to ultimately administer the oath of office to a court which I consider to be one of the finest in the country.

Unfortunately, in my short term, I have had the pleasure only to

watch the succession of what has occurred in the Superior Court, its leadership, its value, its work ethics, its actual demand for perfection—emanating from this gentleman on my left known as Bill Cercone, President Judge Emeritus, then through a dear friend, Vince Cirillo, then through Jim Rowley, and ultimately through this gentleman now on my left, Steve McEwen.

I believe I have had the distinct pleasure (with the exception of the Honorable Judge Cercone) of working with each and every one of the distinguished president judges.

May I say again, although it may be redundant, that you will come aboard one of the finest courts in this country.

I may also add that I was indeed moved by the remarks made by the distinguished jurists and lawyers who spoke in terms of your integrity, your duty, your passion for the law, and in general just the great ability to perform your duties.

As I sat and listened, I want to make sure that something was understood; that they essentially were laying out a kaleidoscope, the yellow brick road. And they're essentially saying to you, Debbie, that this is what we expect of you. And shame on you for faltering in what we expect.

In a personal conversation, I had said that when you take the bench and put on that robe, from the very first day in which you utter a word to the day in which you write your first opinion, you will then be judged.

So unless you maintain your dedication and your commitment to the Court, the respect which you believe you should be entitled to will not come to fruition, and all that is said today will be for naught.

Only those who are here today or those who read the Superior Court volumes of what occurred here today will be aware of your potential as a jurist.

But knowing you personally, I have no qualms of conscience in saying that indeed you will meet those standards. I am most pleased and honored to administer the oath.

So on behalf of the Supreme Court, and particularly I would like to point out that Mr. Justice Cappy, who had tried but could not attend due to his father's illness, extends his best. On behalf of the Supreme Court, I wish to extend to you our best wishes for a

successful tenure—but always remember, we’re still the Supreme Court. (*laughter and applause*)

JUSTICE ZAPPALA: If you don’t mind then, Debbie, would you come to the well and would everybody please rise.

PRESIDENT JUDGE McEWEN: The family Bible will be held by husband Steve and daughter Alex as Justice Zappala administers the oath.

JUSTICE ZAPPALA: Debbie, would you raise your right hand and repeat after me.

I do solemnly swear or affirm.

JUDGE TODD: I do solemnly swear or affirm.

JUSTICE ZAPPALA: That I will support and defend.

JUDGE TODD: That I will support and defend.

JUSTICE ZAPPALA: The Constitution of the United States.

JUDGE TODD: The Constitution of the United States.

JUSTICE ZAPPALA: And the Constitution of the Commonwealth of Pennsylvania.

JUDGE TODD: And the Constitution of the Commonwealth of Pennsylvania.

JUSTICE ZAPPALA: And I will conduct myself in my duties.

JUDGE TODD: And I will conduct myself in my duties.

JUSTICE ZAPPALA: With fidelity.

JUDGE TODD: With fidelity.

JUSTICE ZAPPALA: God bless you. You are now a member of the Superior Court. (*applause*)

PRESIDENT JUDGE McEWEN: The robe will be placed upon our new judge by her sisters Mary Johnston and Nancy Woods.

Ladies, if you please. (*applause*)

PRESIDENT JUDGE McEWEN: Will you please join us upon one of these benches.

JUDGE TODD: Thank you. Thank you. Justice Zappala, Judge McEwen, my honorable colleagues, my friends, thank you all for being here with me today to share in this special occasion in my life.

Dr. Martin Luther King once said, occasionally in life there are those moments of unutterable fulfillment which cannot be completely explained by those symbols called words. Their meanings can only be articulated by the inaudible language of the heart.

This indeed for me is one of those moments. Nonetheless, there are a few words that I do want to share with you today.

There are so many people, many of whom are here today, many of whom have traveled great distances to be here today, to whom I feel a tremendous sense of gratitude. It goes without saying that one does not conduct a statewide campaign or win a statewide election without substantial assistance from countless individuals and about 1,040,000 votes. (*laughter*)

JUDGE TODD: It was a tremendous honor for me to have been endorsed by the Pennsylvania State Democratic Committee not once but twice. Many of you state committee members are here today. Many have traveled even from as far as Philadelphia. And I want you to know how much I appreciate your coming all this way to be with me.

Of course, residing in 67 different counties throughout the Commonwealth, many could not be here with us. But particularly because I went through this process twice and received that endorsement twice, I want each and every Democratic state committee member to know how very much I've appreciated their support and unending faith in me, and in my candidacy for this court.

Likewise, there are many, many Democratic leaders, committee chairs, committee members, elected officials and labor leaders here in my home county of Allegheny and statewide who stood behind me and gave me their support, and to whom I am sincerely grateful, without whom I would not have won this election.

I know that without your help I would not be sitting here today. And to each and every one of you I say thank you.

I was also honored during my campaign to have received substantial bipartisan support from across the state, support from groups which reflect the diversity of our great Commonwealth.

And while grassroots activists, political leaders, champions of labor and captains of industry may not often find common political ground, I was blessed to have support from all of these groups during this hard-fought campaign.

There were also many people whom I am honored to call my friends, who assisted me in countless ways and whose friendship and support are very much appreciated.

I was fortunate as well to have had the assistance of a talented, loyal and dedicated staff who worked the phones, stuffed the envelopes and crisscrossed the state with me and on my behalf.

I would like to take a moment to introduce the members of my staff who are here with me today. Ms. Cynthia Chambers, my devoted law firm administrator. Would you please stand. (*applause*)

JUDGE TODD: Attorney Carla Campbell, my outstanding senior associate. (*applause*)

JUDGE TODD: Ms. Tracey Jennewine, my extraordinary campaign aide. (*applause*)

JUDGE TODD: Ms. Allison Rudolph, my tenacious yet personable finance director. (*applause*)

JUDGE TODD: Ms. Rhonda Lovas, my tireless campaign coordinator. (*applause*)

JUDGE TODD: Rhonda has been with me for 13 years as my legal secretary, then my paralegal, then my campaign coordinator, and she will be going with me to my judicial chambers as my administrative secretary.

I would also like to introduce Mr. Ken Smuckler, my brilliant and amiable strategist and media advisor. (*applause*)

JUDGE TODD: And finally, Mr. Zane Smigas, Business Representative for the Western Pennsylvania Council of Carpenters. (*applause*)

JUDGE TODD: My steadfast chairman, advisor, chauffeur and friend.

And I'd like to thank Jack Brooks for sharing Zane with me for the past year. (*applause*)

JUDGE TODD: A special thank-you also to all the labor leaders who are here as represented by Jack Shea, President of the Allegheny County Labor Council. Thank you. (*applause*)

JUDGE TODD: To my staff, thank you all for those long weekends, late nights and countless miles on the Pennsylvania Turnpike.

As we traveled throughout this great Commonwealth, I noticed that, to many casual observers of the political process, all women candidates must look alike.

For example, during the course of my campaign, I was mistaken

for Mina Baker Knoll by a man who asked me if I was home from New York for good; for Joyce Lee Itkin by a woman who asked me how Ivan was holding up; and for Kate Ford Elliott by a man who told me, quite frankly, that he liked me better when I had red hair. *(laughter)*

JUDGE TODD: Well I haven't spent much time in New York, I don't know how Ivan's holding up, and I've never had red hair. I am, however, very glad that the campaign is over and my judicial career can now begin.

I would also like to acknowledge and thank the honorary chairs of my campaign, the Honorable Catherine Baker Knoll, Jury Commissioner Jean Milko, Councilman Gene Ricciardi, Senator Leonard Bodack. *(applause)*

I'm not allowing enough time for applause for all these distinguished individuals. I apologize.

City Controller Tom Flaherty. *(applause)*

JUDGE TODD: And Sheriff Pete DeFazio.

And I noticed that Justice Cappy just arrived. Thank you very much for coming, Justice. *(applause)*

JUDGE TODD: To my honorary chairs, thank you. Your influential support and guidance were instrumental to my success.

Additionally, I would like to thank the chairs of my Lawyers Committee, several of whom are here with us today, Dan Booker, Dean Calland, Bill Caroselli, Chuck Cohen, Greg Fajt, Dave Hickton, Dave High, Tom Hollander, Helen Kotler, Dick Lerach, Bill McKim, Mark McNally, George Medved, Gretchen Mandorff, Ernie Orsatti, Art Schwab and Betsy Zimmernan.

To all of you, thank you for leading my Lawyers Committee. *(applause)*

JUDGE TODD: I would like to gratefully acknowledge all of their valuable support as well as the support of the 200 plus lawyers who served on my Lawyers Committee.

It was particularly meaningful to me to have assembled this group of lawyers who have been my colleagues and friends over the years, many of whom have been my opposing counsel in cases over the past 17 years.

And it was particularly meaningful to me because my Lawyers

Committee was composed of plaintiffs' lawyers, defense lawyers, corporate lawyers, labor lawyers, a wide variety of people, all of whom supported me and indicated that they felt I would be a fair and impartial judge. And I deeply appreciated that support.

Finally, I have been blessed every day, whether campaigning or not, to have had the unwavering support of my family. The only diminishment of my joy here today is that my parents, Harry and Blanche McCloskey, could not have lived to see me installed as a judge of the Superior Court.

I was truly blessed with the most loving, inspiring and supportive parents anyone could hope for. My mother was the sweetest, kindest person in the world. She encouraged every endeavor I ever had. And her faith and strength have been my inspiration.

I often look back to my childhood in the 1960s and think how remarkable my father was. Indeed, he was a man ahead of his time. My dad was a steelworker at J & L and he was an avid and accomplished sportsman and coach.

Yet for all his efforts in athletics, he was somehow rewarded with three daughters who had no athletic ability whatsoever. Nonetheless, he took great pride in each of us and reveled in our academic and musical accomplishments.

He attended every parade, baton competition, choir concert and theatrical performance. And he truly believed that his daughters were the best thing since sliced bread.

Concerned that my dad, the sportsman, might be disappointed in the total void of athletic accomplishment among his progeny, I once offered to try out for the girls' varsity basketball team. My dad had coached, among other sports, girls' basketball, for decades.

Ever the realist, however, with a full appreciation for my limitations as well as my potential, my dad advised me not to attempt the team. (*laughter*)

JUDGE TODD: Truth be told, he said he was afraid I would hurt myself. I prudently went on to less athletic and more academic pursuits.

In a time period where it was still very common for young girls to limit their choices to more traditional paths, my parents, an uneducated steelworker and a homemaker, counseled me and my two

sisters that for our futures the sky was the limit. They constantly encouraged our academic pursuits as well as our volunteerism and community involvement.

I decided at the age of twelve that I was going to become a lawyer, and I never wavered in that goal. My parents supported me and cheered me on every step of the way.

I worked every summer from age 12 through age 18 and part-time during the school years as a file clerk for an attorney with an office a few blocks from my home in Ellwood City. My starting salary was, by the way, 50 cents an hour.

My passion for the law grew with each passing year. When I moved from Ellwood City to Pittsburgh to attend Chatham College on an academic scholarship, I would call my parents with the occasional homesickness of a new college freshman.

I distinctly remember my father telling me that I could keep my nose to the grindstone and become a lawyer some day or I could give up and come back home, it was entirely up to me. He would then say that he heard there was an opening for a clerk at the local five-and-ten. That always got me back on track.

I wanted to tell all of you about my parents because I wanted you to know how much they meant to me and how responsible they are for whatever success I've achieved. I know that they would be very proud of me today.

My two sisters are with me today and I want them to know how much I love and appreciate them. My sister Mary and her husband Bruce Johnston are here from York County, where Mary is a public school teacher and Bruce is a retired high school principal.

Mary and Bruce were my central Pennsylvania campaign coordinators, and their undying devotion and commitment contributed greatly to my election victory. Thank you both.

My sister Nancy and her husband Jim Woods are also here with their sons Jeff and Jim, who designed my Website by the way. This is the Beaver County coalition of my family.

And with Nancy as the Director of Adult Literacy for Beaver County, I don't think that there is a person in Beaver County who did not know that Nancy's sister was running for the Superior Court. Thank you.

One of the other candidates asked me midway through the campaign if I had a sister in every county. It seemed that everywhere he went throughout the state he saw one of my sisters. I said no, I have only two sisters, but they really get around.

I also am very fortunate that my mother-in-law and father-in-law, Juanita and Rayburn Todd, traveled from Columbus to be with me here today. Thank you both for coming.

Last, but certainly not least, here with me and always at my side are my husband Steve and our daughter Alexandra. Alex is a third-grader and an honor student in the City of Pittsburgh public schools, and her father and I are very proud of her.

Additionally, a star of stage and screen, Alex participated extensively in the campaign, and I know many of you got to know her personally. She is truly the light of our life, and I want to say to you, Alex, thank you. Mommy loves you very much.

Finally, it is probably obvious that it would be difficult if not impossible to conduct a successful statewide campaign without the full support and loving guidance of your spouse. Indeed, I daresay that after exhausting your family's energy and resources in one narrowly lost campaign, most spouses would say, over my dead body will you ever do this again. (*laughter*)

JUDGE TODD: But Steve Todd is not your average spouse. In fact, when I had serious doubts about the prospects of winning, should I run a second time, and when I seriously contemplated not running again, it was Steve who believed in me, encouraged me to pursue my dream and supported me every step of the way.

I am so blessed to be married to Steve Todd. Thank you, Steve. You truly are the wind beneath my wings. (*applause*)

JUDGE TODD: I cannot tell you all what an honor it is for me to join this august court and sit among these esteemed colleagues. I want to extend my sincerest thanks to President Judge McEwen, to Justice Zappala and to all of the speakers here today, my dear friends Pastor David Gleason, Councilman Gene Ricciardi, Attorney Lester Zittrain, Judge Kate Ford Elliott, Judge Donetta Ambrose, and Auditor General Bob Casey.

Thank you all for coming and taking part in this meaningful ceremony.

I also want to thank Walter Chambers, Beth Nixon and Cynthia Pock for sharing their musical talent with us, and to Eloise Hess, our court reporter, who is reporting today, perhaps the first time not a deposition involving Debra Todd where she didn't have to listen to about three days of boring engineering testimony. I'm sure she's happy it's at least a short ceremony.

You all have made this day so meaningful for me.

Special thanks as well to the Pittsburgh City Council, President Bob O'Connor, and to my councilman, Sala Udin, for allowing us the use of these beautiful chambers; and to Mayor Tom Murphy for attending. You all have made this day so wonderful.

A note to Judge Ford Elliott and Judge Ambrose. When I was a young lawyer at U.S. Steel in early 1980s, I was sent out to conduct depositions against a much older, somewhat cranky opposing counsel who shall remain forever nameless. When he met me, he said, don't worry, honey, I've got nothing against women lawyers. It's when they get to be judges they're out of their element.

Well, I am very much in my element to be here with you today. And I'm so looking forward to performing my judicial duties on the Superior Court.

Let me take a moment to introduce to you my newly hired chambers staff, Ms. Rhonda Lovas. *(applause)*

JUDGE TODD: Ms. Britt Felton.

(Applause)

JUDGE TODD: Attorney Carla Campbell.

(Applause)

JUDGE TODD: Attorney Lynn Snyderman Irwin.

(Applause)

JUDGE TODD: Attorney Sean Winters.

(Applause)

JUDGE TODD: And Attorney Kim Collins.

(Applause)

JUDGE TODD: I am thrilled about the collective talent we have assembled and I am grateful for the wealth of guidance I've received from my new colleagues on the court.

I am committed to serving the people of the Commonwealth of Pennsylvania with integrity, with dignity and with respect for the law

and the litigants. I recognize that my oath of office is indeed a sacred trust, and I assure you, I'm up to the challenge.

Thank you again and God bless you all.

(Applause)

PRESIDENT JUDGE McEWEN: Well, we're coming around the bend. You know, I looked up during Ms. Todd's remarks and thought maybe they were making a movie in Pittsburgh and the movie star happened in the courtroom. But no, it was Ralph Cappy. That's not Justice Cappy at the door, Justice Cappy is now seated.

(Applause)

PRESIDENT JUDGE McEWEN: I apologize to my colleagues on the Common Pleas Court for overlooking some of their attendance. And they would be Judge Bob Horgos, Jim McLean, Larry O'Toole, Larry Kaplan, Max Baer.

I do hope I've now got them all. And maybe you'll understand how these oversights happened and won't feel as badly because I even overlooked our own judges. I didn't introduce the Superior Court judges, which of course I will now proceed to do.

On your right and closest to the bench, Judge Mike Eakin from Cumberland County; Judge Musmanno from Allegheny County; Judge Orié Melvin from Allegheny County; President Judge Emeritus Bill Cercone of Allegheny County; Judge Brosky, Allegheny County; Judge Tamilya, Allegheny County.

And of course Judge Ambrose you met earlier; on your left, Judge Joe Del Sole from Allegheny County; Judge Zoran Popovich from Union, Snyder or one of those two; Judge Justin Johnson from Allegheny County; Judge Kate Ford Elliott, Allegheny; and Judge Joe Hudock from—I know it's Westmoreland. We just have a thing about Westmoreland. All right.

Let me make it clear that you will proceed from here, as it says on the program, immediately following the ceremony to the Allegheny County Bar Association Auditorium on the Ninth Floor of this very building.

We now have the benediction and the closing remark, but the benediction by Reverend David P. Gleason, of, as we mentioned earlier, the First Lutheran Church, where he's Senior Pastor.

REVEREND GLEASON: Let us pray.

Almighty God, You sit in judgment to declare what is right and just, bless the courts and magistrates in our land. Give them the spirit of wisdom and understanding that they may perceive the truth and administer the law impartially as instruments of Your divine will.

We especially ask Your blessing upon Debra. Guide her in the knowledge of Your will and in the love of Your teaching. Keep her steadfast in regard for truth, righteousness and justice.

Watch over her family and shelter them with Your care. Guard and protect Debra, Stephan and Alexandra in the life they share. Keep them in health and safety. And grant them the assurance of Your abiding love, presence and protection we pray in the name of Jesus Christ, our Lord. Amen.

And may the blessing of Almighty God, the Father, Son and Holy Spirit, be with you now and forever. Amen.

PRESIDENT JUDGE McEWEN: Thank you, Reverend Gleason.

Debra, you, I should say Debra, Steve and Alex, you, your family and your friends have transformed this classic chamber of government to a cathedral of delight and have made Friday, January 7, 2000 a dancing day. And so the ceremony complete, let us all proceed to the celebration and enjoy this dancing day together.

Debra, we thank you. Congratulations. And we will now hear the rendition.

POSTLUDE: MY TRIBUTE (TO GOD BE THE GLORY)

Vocalist: Ms. Beth Nixon

Accompanist: Ms. Cynthia Pock

THE HONORABLE RICHARD B. KLEIN



*Assumed Office: January 7, 2002
County: Philadelphia*

INSTALLATION CEREMONY

December 27, 2001
Courtroom 653, City Hall
Philadelphia, Pennsylvania

PRESIDENT JUDGE DEL SOLE: Good afternoon, ladies and gentlemen.

With the call of the crier, this Court assembled in ceremonial session for the happy purpose of installing a new member, Judge Richard B. Klein.

What a joyous time for Judge Klein, his family, his friends and the members of this Court.

Judge Klein has had a distinguished career as a member of the Court of Common Pleas of Philadelphia.

I am told that with his departure from that Court, for the first time in over 60 years there will not be a member of the Klein family on judicial service on that bench.

However, Philadelphia's loss is our gain. Over the 106-year

history of this Court's service to the people of Pennsylvania, 85 men and women have served as judges. Today, Judge Klein, you join that distinguished group in service to this Commonwealth.

I know many of your trial court colleagues over the years. And they have made a statement that has intrigued me. Some have said that with your elevation from the Court of Common Pleas to the Superior Court, the intellectual level of both Courts will be enhanced.

Only time will tell. But we know of your distinguished record and your great ability. I would be remiss if I did not thank the President Judge of the Philadelphia Court of Common Pleas and the judges of that bench for allowing us to use this beautiful courtroom today for the administration of this oath to your former colleague and our new colleague, Richard B. Klein.

Now, I know that there are many people from in the audience that should be recognized. And I'm sure that I will not be able to recognize all of them. I do see the Attorney General of Pennsylvania, D. Michael Fisher. I see a former judge of our court, now a United States District Court Judge, Berle Schiller.

I'm sure there are others that are here in this audience. And I will try to recognize you as the day goes on. But at the end of the ceremony, if we have not recognized anybody who feels they should be recognized, you can just stand and wave. And we will note your presence.

With that I have the happy duty to introduce the President Elect of the Pennsylvania Bar Association, Timothy J. Carson, Esquire, for remarks on behalf of the Pennsylvania Bar. Mr. Carson.

(Applause)

MR. CARSON: Thank you, Judge. It is my distinct privilege today to carry the congratulations and best wishes of more than 28,000 members of the Pennsylvania Bar Association on this joyous event.

We in the PBA are very well acquainted with Judge Klein. While his courtroom activities have largely been Philadelphia based, his professional prospective has been anything but, extending throughout the Commonwealth, nationally and even internationally.

We in the PBA and the lawyers of Pennsylvania have been

especially fortunate to have had the benefit of Judge Klein's time and considerable talent over many years.

He's a long-time member of the Pennsylvania Bar Association's House of Delegates, our ultimate policy-making body.

He's someone who has, I believe, passionately in the quote of Cicero, who proclaimed, "Oh, now joyful and invincible is justice when it is well spoken." I think Judge Klein might add, "and well written," as well.

He has been our founding member of the Plain English Committee for the Pennsylvania Bar Association. He now co-chairs that with soon-to-be Justice Mike Eakin. And he has always been a tireless member of our ADR Committee, and has been a great contributor to their soon-to-be released Guide to ADR Options.

Along with this, he has been Vice-chair of the Futures Commission, chartered by the Pennsylvania Supreme Court, coming up with a long range of plans for justice in the 21st Century.

In all of these activities he has distinguished himself bringing to each endeavor, not only a keen intellect, but an ability to effectively work with others in advancing the quality of justice.

Let me let you in on a little secret. Judge Klein enjoys lawyers. He enjoys their company, whether it be lawyers in his courtroom, lawyers serving with him on a professional committee or even lawyers socializing with him with an after work libation. He enjoys our company.

And perhaps, not surprisingly, the lawyers in Pennsylvania enjoy his company, and are very happy we're here today.

In conclusion, I don't think I can do a better job in describing the attributes that this marvelous man brings to this Court. I can't do a better job than was done by the Pennsylvania Bar Association's own Judicial Evaluation Commission. That body, after a long study and so forth, found, of course, Judge Klein to be highly recommended.

And if I could just quote from that, the Judicial Evaluation Commission said, "The candidate is highly recommended based upon his outstanding legal intellect, his dedication to the improvement of the justice system and development of the judiciary and his active work in improving the skill of lawyers. The candidate provides superior legal skills with a passion for the law and a solid

judicial temperament, which he has demonstrated through his long and distinguished tenure as a judge on the Court of Common Pleas.

“In addition to his responsibilities as a trial judge, the candidate has long been actively involved in efforts to improve the quality of justice. He’s involved in restructuring the Court system for the 21st Century as a member of the Futures Commission. The candidate possesses the character, integrity, fairness, administrative ability and varied background, including exemplary community service and a long term commitment to teaching, which represents the best qualities in an appellate judge.”

Judge Klein, on behalf of the Pennsylvania Bar Association, the lawyers of Pennsylvania, we congratulate you and wish you the best in what we are firmly convinced will be a long and distinguished career on the Pennsylvania Superior Court.

PRESIDENT JUDGE DEL SOLE: Thank you, Mr. Carson.

Joining today and welcoming Judge Klein to his new home on the Superior Court are some of our judges. To my left is Judge Justin Johnson. To my far right is Justice-Elect, now Judge of the Superior Court, Michael Eakin. Seated behind me are Judge Michael T. Joyce, Judge Maureen Lally-Green, Judge-Elect Mary Jane Bowes, Judge John G. Brosky, Judge Phyllis Beck and Judge Patrick Tamilia.

I also noticed in the audience a little bit earlier Senator Salvatore, a longtime friend of Judge Klein and the Klein family, who’s here with us.

Now, I would ask Allan H. Gordon, Esquire, Chancellor of the Philadelphia Bar Association, to offer remarks on behalf of the Philadelphia Bar.

Mr. Gordon.

MR. GORDON: Thank you, Your Honor. I was told before I came here to keep my remarks very brief. And when I looked at the program, I saw that I was following Tim Carson. I said to Tim I’m going to follow the instructions I have been given. So I’m just going to get up and say, “I agree with everything Tim said.”

But I think that would be too brief and would not be totally appropriate. I have been asked to speak here today on behalf of the Philadelphia Bar Association. I’m going to take the liberty of speaking on behalf of myself first. I have had the privilege of knowing

Judge Klein in many roles. I think that Judge Klein and I probably came to the Bar in the same year.

So I knew Judge Klein as a lawyer. I have known him as a trial judge for the last 28 years. And I have even had the good fortune of appearing in front of him on more than one occasion as an attorney. And I can tell you that while sometimes being a lawyer in a courtroom is not the most pleasant thing, I have enjoyed it most of the time, and never had a time in front of Judge Klein, no matter what the outcome of the case was where I walked out saying anything other than I was given a fair hearing. I had a judge who listened to what we had to say, who considered what we had to say and then used incredible legal talent and legal temperament to reach a decision that was a fair decision and a decision that was based on the law and the facts.

Judge Klein, in addition to being an excellent trial judge I have known since I was fortunate enough to be the President of the Philadelphia Trial Lawyers about a dozen years ago, and I worked with Judge Klein at that time, along with Judge Diaz on the Pro Tempore Program, Judge Klein had been very active in whatever he could do to improve the quality of justice in the judicial system here in Philadelphia. And I know that he will bring the same talent and the same energy to the Superior Court.

On behalf of the Bar Association Judge Klein has always been very active with the Association. You could always count on Judge Klein to be at the meetings where a trial judge would have an input. He has been very supportive of the Bar Association. And for that we extend our thanks to you.

You are correct; Judge Klein's ascendance to this Honorable Court is a loss for us here in Philadelphia. But it is a gain for all of us as citizens of the Commonwealth of Pennsylvania. We wish you on behalf of the Bar Association, and I wish you personally, Your Honor, a long life, good health and continued success in your career as a Superior Court Judge.

And I thank you for asking me to speak.

THE COURT: Thank you, Mr. Gordon. I note that many of Judge Klein's colleagues on the Court of Common Pleas are here. And my vision is not what it used to be. So the President Judge has

told me that she will introduce them and take me off the hook, for which I am eternally grateful.

I now call upon the Honorable Robert C. Jubelirer, Lt. Governor of Pennsylvania and President Pro Tempore of the Senate of Pennsylvania to offer remarks on behalf of the Commonwealth of Pennsylvania.

LT. GOVERNOR JUBELIRER: Thank you, Your Honor. I don't get to a courtroom that often anymore. So if I may start by saying, may it please the Court, it kind of makes me feel a little better.

And I hope that it pleases all of you, as it does me to be here, one of the greater influences in my life was my father, who was President Judge of the Court of Common Pleas of Blair County for over a decade.

He influenced a great deal of, not only my practice of the law when I practiced, but my everyday life. And he always told me, "You only have to face one person. And that's the person you face in the mirror every day when you shave."

He taught me integrity. He taught me honesty, and he taught me what is important in life.

Dick, you and I share that. You had a father, who was a Judge of the Court of Common Pleas, a very distinguished jurist, who I'm sure shaped much of your life, both professionally and personally. I wanted to tell you that that's something that I am delighted that both of us can share.

There are many events that I get an opportunity and am asked to attend. Much of it is a responsibility to public office. And then there are those that I just love to go to. Dick, this is one of those. I am so happy to be here. I am so happy to share with your friends, with your colleagues, those who are here who have known you for so long, your family, who are so proud of you today. It's a labor of love for me to be here.

There's no question that this is a very, very special day for our friend, Dick Klein.

Dick Klein in becoming a Superior Court judge is truly that. The title alone understates this man. He is a superb legal talent, who would be a superior judge in any venue. I think all of you would agree to that.

There are so many bright and talented people seeking judgeships this year. And some of them are here today. But even in this field, Dick Klein was a standout in character, performance and intelligence.

There are those who look like a judge and those who have the aura of a judge. And then there are those whose ability and demeanor and intelligence are such that you think they must be a judge. In this case, very fortunately, the Pennsylvania's voters agreed.

You see, this was, if Judge Becker will bear with me for a moment, a merit election. The voters looked past the limitations of judicial campaign and geography to discern the qualifications and the very significant commitment, and, Dick, I might add, perseverance over a lot of years of one, Richard Klein.

Let me tell you, folks, even though I was on the periphery, running a judicial campaign is no easy task. It's an endurance test; it's a constant struggle to gain recognition. And it's a balancing act to maintain dignity in a world of political hostility.

Dick Klein worked hard. And I saw him in just about every place I was. He strategized with the best. He also conducted himself with grace and style and class.

Dick, you are a credit to the profession, to your party and whose labor you ran, but most important to the public. This is a win for the quality of our State Courts, a win for fairness, a win for justice, and a win for all those who have worked so hard to see our judicial system warrant the respect and pride of Pennsylvanians.

When you see lawyers and judges under attack, when you hear some of the jokes that some of the late night hosts like to make about our profession, my friend you do us all proud. You truly are the poster child of what we hope a judge would be.

So it is my privilege and my pleasure on behalf of the Commonwealth of Pennsylvania to bring you greetings, to bring you warm feelings, feelings that I hope I can share with all of you today. And I might say on a personal note, thanks for that one special favor you did for us.

Thank you.

PRESIDENT JUDGE DEL SOLE: Thank you, Lieutenant Governor.

We on this Court realize that Judge Klein is the merit election candidate, and we're thankful that the election judges would reward us with Judge Klein and his two new colleagues this year.

I do want to recognize two individuals that are in the audience; The Chief Judge of the United States Court of Appeals for the 3rd Circuit, Judge Edward Becker is here.

(Applause)

Thank you for being with us.

And now it is my privilege to call upon the City Solicitor of Philadelphia, Former Judge of the Court of Common Pleas and former colleague on that Court with Judge Klein, the Honorable Nelson A. Diaz.

JUDGE DIAZ: May it please the Court, members of the Bar, family friends, all of the colleagues of Judge Klein, it is a deep honor and appreciation that I have the opportunity to represent the City of Philadelphia, and to extend you greetings and congratulations from both our City Council and Mayor John F. Street and, obviously, the entire administration.

I have had the privilege to know Judge Klein since my early days in the Bar; in fact, my first year as a Public Defender where I had the privilege to argue cases before the youngest judge ever appointed to the Court of Common Pleas in Philadelphia. He was almost my age. Judge Klein was well known, a very humble man, not very formal or demanding in demeanor. However, he was demanding in making sure that lawyers and the litigants were current and persuasive in their legal arguments. He would engage lawyers to ensure that his positions were fair and legal.

Judge Klein is a very persistent man. Although he was not elected the first time he ran for the Court of Common Pleas, he was elected to serve many full terms thereafter.

Similarly, he pursued with perseverance, and is now on the Superior Court, ultimately his goal.

When I became a Judge on the Court of Common Pleas, we were both young. We both enjoyed many things together. He was a drummer, who loved jazz, who played jazz and took me to his jazz clubs. We used to hang out, as people might say in those days. I don't know what they say today. But he talked about the important things

about his Court, the Court reform, technology reform. He was what you know as a geek with the computer in those days, when we didn't even know what a computer looked like.

He had ideas about transforming our backlogged, antiquated court system that was still using rotary phones and memory typewriters, when I became Administrative Judge. Judge Klein was naïve enough to believe that together we could transform a court system, he, who was a Republican, with very high esteem, and I, who was a Democrat, with very questionable esteem. Both of us with ideas, and we had nothing to do about politics. It was a lot to do with providing justice in an efficient and timely manner.

I enlisted him, along with 14 other judges, who collegially were assigned individual tasks. These ideas were to bring about a collegial course, and to bring about reform, whether it was through the improvement of the technology, the improvement of the trial process, the discovery process or the accountability of the work or even the budget.

Judge Klein changed the jury selection system within six weeks of taking over the court system, making it an efficient, more uniformed, more fair to litigants. That jury system still is operating today.

He helped develop the technology system for the arbitration program, and he helped reduce the backlog in pending cases, whether it was the asbestos litigation, which he taught me how to manage, or whether it was a major tort in Complex Litigation. Judge Klein's contributions have often gone unnoticed, because he was a man who was not interested in credit, but in results.

Although Judge Klein has been recognized by many national organizations, he has done so graciously, generously and without public fanfare. I owe Judge Klein so much for, not only his friendship as a young lawyer, his counsel as a young judge, but also his perseverance and his motivation, which he shares with me, as we both get older.

Thank you, Judge Klein, for all you do for our community, and particularly for being my friend.

Congratulations. I am honored to see you ascend to the Superior Court of the Commonwealth of Pennsylvania where I know

you will bring the same attitude and conviction that you have always demonstrated to all of us through the years as you have demonstrated in being such a loving son to your father and such a loving father to your sons and such a loving friend to your friends.

May God grant you many, many years, riches and wisdom as he gave King Solomon.

God bless you.

(Applause)

PRESIDENT JUDGE DEL SOLE: Thank you, Judge Diaz.

Now, I'm going to call upon Peter G. Klein to present the commission from the Governor of Pennsylvania commissioning Judge Klein as a member of this Court.

PETER KLEIN: I guess I'm the only non-lawyer speaking. Dad, it wasn't your fault.

May it please the Court, on behalf of Judge Klein's non-legal community, his family and other communities that he's such an important part, this is from Ralph Waldo Emerson's "Uses of Great Men":

"It is natural to believe in great men. If the companions of our childhood turn out to be heroes, and their condition regal, it would not surprise us. All mythology opens with Demigods, and the circumstances is high and poetic. That is their genius is paramount. The world is upheld by the veracity of good men. They make an earth wholesome. Life is sweet and tolerable only in our belief in such a society."

"We call our children in our lands by their names. Their names are wrought into the verbs of language. Their works and effigies are in our houses. And every circumstance of the day recalls an anecdote of them."

My anecdote about Judge Richard Klein is less about my dad as a jurist, and more about my dad as a father.

For some reason, most school sporting events are scheduled for weekday afternoons, when many parents are at work and cannot attend the games of their favorite athletes.

Somehow my father attended more soccer games and wrestling matches, basketball tipoffs and tennis events of his three athletic sons than any other parent at Friends Central.

In a cumulative 36 seasons, we competed in over 350 contests from Wilmington to West Town, the Mainline to Moorestown, New Jersey.

It is easy to total the number of games, years after the final whistles. You see, my father videotaped nearly all of them.

And after every game, win or lose, I remember thanking him for coming, sometimes apologizing for dragging him away from the business of the courts.

His response to these thanks was always, “No problem,” or “Things ended early,” or “I’m in chambers this week.”

I think we always knew that he had jumped through hoops or moved mountains to be with us for all of those games.

Many, many said that Dick Klein was born and raised to be a judge, following in the footsteps of his father, who was a long-time officer of this Court.

I would argue he was reared for the greatness he achieved, jurist, author, educator, jazz musician and futurist.

I am most proud of the way Richard Klein helps others, closest colleague or total stranger.

I hope he recognizes the greatness of his other accomplishments; especially the success of raising three sons.

We have all acquired our father’s commitment to service, the understanding of the importance of family and friends and the desire to make a difference in the world.

Thanks to a great man.

From the Governor of the Commonwealth of Pennsylvania to Richard B. Klein of the County of Philadelphia and the Commonwealth of Pennsylvania, greetings.

Whereas, it appears by the certificates and returns made according to law, of the election held on the 6th of November, 2001, that you have been duly elected Judge of the Superior Court in the Commonwealth of Pennsylvania.

Therefore, know ye, that conformity to the provisions of the Constitution and the laws of the said Commonwealth, in such case made and provided, I do provide these presents commission you to be a judge of the Superior Court of the Commonwealth of Pennsylvania, first priority of Commission. To have and to hold said office, together

with all rights, powers and emoluments there unto belonging or by law in anywise appertaining for the term of ten years to be computed from the first Monday of January, 2002, if you shall so long behave yourself well.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this 20th day of December, the year of our Lord, 2001, and of the Commonwealth, the two hundred and twenty-sixth.

Mark Schweiker, Governor.

PRESIDENT JUDGE DEL SOLE: Thank you, Peter. And you have answered a question that has caused us some interest on the Superior Court. We have been trying to get all of Judge Klein's old Common Pleas Court cases up. And we were wondering why some of them haven't come up yet.

Now we understand what he's been doing with his afternoons, while he's been telling us that he's working very hard trying to find chambers.

We have been hosted most graciously by the Court of Common Pleas of Philadelphia, and particularly by the President Judge of the Court, the Honorable Fredrica A. Massiah-Jackson.

Judge Jackson is here, according to the program, to administer the oath. But she also has some anecdotes about Judge Klein that she wants to share with us. So I introduce the President Judge of the Court of Common Pleas.

PRESIDENT JUDGE MASSIAH-JACKSON: First, I would like to introduce to the Superior Court the members of our Court of Common Pleas that are here today. I'm going to ask you to stand. That includes retired judges. I see our President Judge, Emeritus, Emeritus Judge Bradley. I saw Judge Abe Gafni.

So please stand, and I will read the names for the record. Court of Common Pleas, we have Judge Steve Levin; former Judge Nelson Diaz, Judge Sandra Mazer Moss, Judge Myrna Field, Judge Gene Cohen, Judge Bill Manfredi, Judge Bernie Goodheart, Judge Al DiBona, Judge Barbara Joseph, Judge Flora Wolf, and Judge Marlene Lachman.

We have Judge John O'Grady, Judge Jim Fitzgerald; Administrative Judge Esther Sylvester, Judge Pamela Dembe, Judge Anne Lazarus; as I said, President Judge Emeritus, Emeritus, that's

two president judges ago, Judge Bradley. We have President Judge of Municipal Court, Louis Presenza, and President Judge Emeritus of the Municipal Court, Alan Silberstein, Former Judge Abe Gafni.

Did I get all our colleagues from the Philadelphia First Judicial District? Judge Tereskho won't stand up. But I want our Superior Court colleagues to know who the hard working judges in Philadelphia are. And Judge Harvey Robins is here from Municipal Court.

Thank you all.

The two people who are in the audience, and you have heard references to their work that Judge Klein has been involved with in the past, our current Jury Commissioner, Joel Johnson, is here. And our Prothonotary, Joseph Evers is here.

This is really an exciting time for all of us in Philadelphia. We know Richard Klein as a lecturer, a writer, an author, a teacher, a leader.

I have introduced him recently as the great communicator. And that's how we think of our colleague, Richard Klein.

He has been instrumental in bringing the court process to our jurors in Philadelphia with jury instructional films, the jury questionnaire. He's also been in the forefront of helping our Philadelphia jurists understand what's going on in other jurisdictions relating to juries. That's note taking by juries, written instructions for juries; where certain jurisdictions permit the juries to ask questions during the proceeding or after the proceeding. And we need to know what's going on in other jurisdictions, even if we don't adopt them here in Pennsylvania. But Richard Klein has helped us in knowing what's going on.

We are very, very proud of Richard Klein. He has an opportunity now to join new colleagues, and certainly meet new challenges after 28 years on the bench as a trial judge. But we know that although there's that period of adjustment. And I think his sons are too old to play soccer. So he can devote himself full time to the Superior Court. We know that he will meet every challenge. He will cross every hurdle. And he will be a success.

Richard Klein is interested in justice. And that's all that we ask. As trial judges we ask that those who read our opinions, read our records, understand what's going on in the courtroom, and that they

understand what justice is all about.

And we know that Richard Klein reviewing our records, we know that we will see justice.

He's part of a visionary group in that 21st Century Future's Commission. But he brings that vision to his work as a trial judge. He brings that vision to his work as an appellate judge.

For that we congratulate you, Richard. And we wish you well. Good luck to you.

PRESIDENT JUDGE DEL SOLE: The President Judge of the Court of Common Pleas of Philadelphia County will administer the oath to Judge Klein. I ask him to step forward. And I ask everyone to please rise.

PRESIDENT JUDGE MASSIAH-JACKSON: I do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity. (Oath repeated by Judge Klein).

PRESIDENT JUDGE MASSIAH-JACKSON: Congratulations.

PRESIDENT JUDGE DEL SOLE: We now invite him to come up to the bench and join his new colleagues. Please be seated, everyone.

(Judge Klein takes the Bench)

JUDGE KLEIN: Actually, I'd rather be playing drums than giving a speech. But I'll be doing that in a few minutes anyway.

I certainly find myself blessed by having so many people that have meant so much to me in so many walks of life here today. People I have known for, I don't know, 40 or 50 years. Actually, some of the people I have known since I was zero; my Aunt Frances, to people I have met more recently, I promise to do my best and to work hard and to live up to the confidence you have all shown in me.

I want to thank you very much, the speakers here today, who weren't constrained too much by truth. I appreciate that. They are all close friends that I have known for a long time, and have warm feelings in my heart for all of them.

This is the first time in over 30 years that a Philadelphia trial judge has moved to the Superior Court. Judge Montemuro and Judge Cavanaugh were the last two. I feel very much a responsibility in that,

because 25 to 30 percent of the business of the Superior Court comes from Philadelphia. And I have said that – Judge Dembe said, “Don’t forget us.”

I said, “How can I forget you after 28 years?”

She said, “I can’t remember what I did last Tuesday.”

But I’m still here. The judges in Philadelphia get together once a month for an informal lunch. I have put the dates of those meetings on my calendar for the Year 2002, and I am coming, even if you don’t pay for my lunch.

I want to thank all of you for the comments you have made to me upon my election to the Superior Court. Comments like, “Well, you finally made it.”

“Took you long enough.”

“So this time you got through.”

Well, it did make me think of the adage that “God’s justice delayed is not God’s justice denied.”

I’m honored and overwhelmed that so many people came, particularly people who came long distances away. I had no idea Mike Fisher was coming from Pittsburgh. He’s so used to traveling these days. Really, he is a friend that was supportive of me through this process over a number of years,

Mike Joyce is here from Erie. Southwest is represented by Kirk Holman and Chris Sepesy, who have been on my e-mail list over the months; Commissioner Bob Cordaro from Scranton is here we really clicked over the campaign. From all over, people are here; I really appreciate it.

We even had an international flavor. You would think that my son’s in-laws-to-be (who are sitting in the jury box from Manchester, England) would be the farthest. But my cousin, Irene, from Germany, probably sets that record.

I’m delighted to see everybody here. This is a great group of people. All make contributions in many ways to the community. I’m honored to have you here.

Another group of people who are here are my jazz musician friends. Hopefully, I will be short. And we will be able to hear some of the top jazz musicians in the area in Room 201, at the reception that’s being co-sponsored by the Philadelphia Suburban Water

Company, right after we finish here.

I was talking to my son, Geoffrey, and his fiancée, Nita, who as they are getting ready for their marriage in October, which surpasses this event and the kind of planning and thinking that goes into it. And I said you can't win on any invitation list, if you invite 200 people, number 201 will be annoyed. If you invite 15, number 16 will be annoyed. So you can't win. So, as I acknowledged some of the people, if I missed a lot of people, I apologize.

First, being co-chair with Mike Eakin of the Plain English Committee of the Pennsylvania Bar, he would yell at me if I go too long. He's going to be on the Supreme Court. So I have to behave myself.

Certainly I have a great debt to the people in the Republican Party. Mike Meehan and Vito Canuso are here. People all over the state, who were, not only supportive, but gracious and friends, as I would go to each of the 67 counties where I went. And I remember when I went through the process the third time and met the leadership of the State Committee, Kent Gates, who was working with Attorney General Fisher, one of the astute political minds of this state said to me, "What do you want to do this again for?"

I said first well, I want the job. And, secondly, with all the difficulties and exhausting nature of the campaign, and certainly, people sitting out there, who were recently elected all know you meet wonderful people all over the state. And I'm fortunate. My friends – I was endorsed here for Common Pleas Court by the Democratic City Committee, as well as the Republicans. Once the smoke is over, we all work together for a common good, which is to make a better community for all of us.

I had great running mates. I'm sorry Robin Simpson isn't here. He's getting over jaw surgery. But, Mary Hannah and Renee and Mike and Mary Jane. It's odd to some people in such a stressful situation survived the grueling campaign, and basically with no acrimony at all. We were out there together and made great friendships. Sometimes you make friends on the other side of the campaign. And that happened. And that happened a long time ago, and it happened recently to Berle Schiller, who I ran against two years ago. We worked against each other on a campaign way back when.

And we became close friends. As a matter of fact, Justice Newman saw us at Berle's swearing in as a District Court Judge, and said, "The reason you guys lost is because you don't hate each other enough."

And on the campaign trail, I made friends with Jerry Langen, who came down from Lackawanna County today. Hopefully, he will make it some other time. You know the people that are participating doesn't matter what party you are in, the people that try to do what they think is best for their community will do well with me.

I have to thank my brain trust, as I mentioned, my e-mail guys, my campaign chair, Shanin Specter, who's not exactly skiing in Colorado. He said he's reading books in Colorado, while his family is skiing. Shanin, Greg Melinson, Keith Naughton, Maryann Urban and Kent Gates and many others.

Then there are my friends, who kept me sane during the campaign, including people like my friend since 1957, although he thinks it's still 1964; Ron Wiener, my Cape May buddy, Norma Lindboom is here, and many others who just kept me on the right track as I went along.

I want to do something that most people don't do on these occasions. I want to thank my ex-wife for her friendship and the friendship of Dudley, her husband, my friend for many years. It's bad enough when a marriage breaks up, you don't want to lose a friend, too. I'm glad that part of it didn't happen. She's been a friend, and very supportive, even more than just in our dealings with our three wonderful children. You have seen Alex, Geoffrey and Peter.

I have taken the oath that I took today before. This is the sixth time that I have taken it. First as a Special Assistant Attorney General, then as an appointed judge. And then after I had a little trouble at the polls, I won a couple years later as an elected judge, and then twice for retention.

This is the first time that my father has not administered the oath, and my mother has not been here for it. And I think that somebody said – I think it was Bob, President Pro Tem, said you draw from your father. One of the things that I think that I have drawn from him is the idea that as a judge I have an important position. I certainly have a good deal of power. What do they say? "Once you become an Appellate Court Judge, you make every trial judge mad at

you. And you can't do anything yourself."

But it's the office that I'm part of the team with the law clerks and the secretary – I have had a great staff. I'm getting one in the Superior Court – with the lawyers and to some extent, you really have to maintain your humility. Assuming technology works. And I'm not sure it will, because the City of Philadelphia has videotape machines that eat tapes, I would like to play a little excerpt.

Here goes nothing.

(Tape of Honorable Charles Klein shown.)

THE COURT: I just wanted to finish by saying I look forward to seeing all of you in Room 201, Conversation Hall, where partly thanks to the Philadelphia Suburban Water Company where we will eat, drink and hear some of the top jazz in the area.

Thank you very much.

PRESIDENT JUDGE DEL SOLE: Judge Klein, we welcome you to the Court. Your colleagues look forward to working with you over the next 10 to 20 years while you serve on the Court.

Thank you President Judge Massiah-Jackson for the use of this courtroom. And we thank you, the colleagues from Common Pleas Court, who are here today.

With that, I ask the crier to adjourn court.

THE CRIER: This special session of the Superior Court of Pennsylvania is now adjourned.

(Adjourned.)

THE HONORABLE JOHN T. BENDER



*November 6, 1948 –
Assumed Office: January 2, 2002
County: Allegheny*

INSTALLATION CEREMONY

MR. CAREY: Oyez! Oyez! Oyez!

Let this ceremonial session of the Superior Court of the Commonwealth of Pennsylvania, President Judge Joseph A. Del Sole presiding come to order.

Let all manner of persons rise and attend, let the family, friends and associates of the Honorable John T. Bender be joyful and the citizens of this Commonwealth be confident and sure, as the Superior Court convenes for administration to John T. Bender of the oath of office of the Superior Court of Pennsylvania.

God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE DEL SOLE: Good afternoon, ladies and gentlemen. The Crier calls this court to assemble for the happy purpose of installing a new member, Judge John T. Bender.

This is a joyous time for Judge Bender, his family, his friends and the members of this Court. He becomes the 87th person to take

the oath of office in this Court's 106th year tradition of service to the citizens of the Commonwealth of Pennsylvania.

Judge Bender has had an outstanding career as an attorney in his beloved Allegheny County. For the last four years he has served with distinction as a District Justice where he dealt with the immediate needs of the people in the matters that came before his Court.

In this capacity he has learned much about dispensing of justice in a Court where many, if not most, are unrepresented, and where the wisdom of the judicial officer is sorely needed to insure that justice is served.

He brings the vast knowledge of the concerns of the people to his new position and we will be well-served with him in our midst.

Judge Bender, today you become part of the tradition of service that the Judges of the Superior Court of Pennsylvania have performed over the years. As this assembly wishes you well, so do your new colleagues. We welcome you to this Court.

I would like now to take the opportunity to introduce for the invocation the Reverend Dr. Harold T. Lewis.

Dr. Lewis

DR. LEWIS: We have all met justice. Justice is portrayed in the statues, sculptures and murals found in many of our nation's courtrooms. Justice is a woman. She is best depicted by that sex known as fairer, that half of humanity to whom characteristics such as charity, compassion and empathy seem to come more naturally.

Justice, as she presides in stony silence over trials and hearings, is arrayed with her attributes.

In one hand she holds the scales on which she weighs the evidence. In the other hand justice wields a sword with which she metes out any necessary punishment, but the most significant attribute of justice is her blindfold.

Justice, it is alleged, has no interest whatsoever in the identity of the perpetrator of any given deed, but we know that often the scales of justice are weighted by such factors as the ability of the defendant to afford competent counsel. We know, too, that the sword of justice is sometimes sharpened and at other times blunted when it comes to punishment. Too often the punishment, with all due

respects to Gilbert and Sullivan, does not fit the crime so much as it does the criminal. And, amazingly, although justice is holding the scales with one hand and a sword in the other, she somehow manages, not infrequently, to lift her blindfold to peek at the defendant.

We know all too well that in the American system of jurisprudence, race, age, gender and socioeconomic status are considerations not irrelevant to justice.

We have assembled in these hallowed halls today to witness the swearing in of the Honorable John T. Bender as a Judge of the Superior Court. It is our hope that John will ever be mindful of the fact that justice is a fundamental component in the Judeo-Christian tradition.

We pray that he will not lose sight of the fact that Almighty God, the source of all human justice, the Judge Eternal robed in splendor, demands that we practice justice in our dealings with one another.

We pray that he will be inspired by the words of the prophet Amos: Let justice roll down like waters, and righteousness like an ever-flowing stream.

We pray that John will fully appreciate the weighty office whose mantel he is about to assume. It is our hope that as he dons the robes of office, he will be clothed with humility, integrity and forbearance. May he be imbued with the wisdom of Solomon and the patience of the inalienable rights of all citizens may be safeguarded, and may he remember, above all, that everyone who comes before him is a child of God and inheritor of the Kingdom of Heaven.

Let us pray.

Almighty God, who sittest in the throne judging right: We humbly beseech Thee to bless the courts of justice and the justices, judges and magistrates in all this land, remembering especially at this time my servant, John T. Bender.

Give unto them the spirit of wisdom and understanding that they may discern the truth and impartially administer the law in the fear of Thee alone, through him who shall come to be our Judge, even Thy Son, our Savior, Jesus Christ. Amen.

PRESIDENT JUDGE DEL SOLE: Thank you, Dr. Lewis:

With us today to help celebrate, you know it's not just the

family and friends of the candidate now Judge that enjoys these occasions, so do we, the colleagues of Judge Bender on the appellate court. With us today is Mr. Justice Ralph Cappy of the Pennsylvania Supreme Court. And with me on the bench today, Judge Bender's new colleagues are, from my right, Judge Maureen Lally-Green, to her left, Justice-Elect and soon to be on the Supreme Court of Pennsylvania, Mike Eakin, and Judge Justin Johnson. I also see Judge Livingstone Johnson, Justin's brother, in the audience.

To my left is Judge Kate Ford Elliott, and to her left is Judge Michael T. Joyce. And in the back row is Judge-Elect Mary Jane Bowes, one of Judge Bender's running mates, Judge John Brosky, Judge Debra Todd and Judge Patrick Tamilia and we all welcome you, John, along with your new colleagues, to this Court, and I have a letter from Judge Musmanno who can't be here.

It says: Dear Judge Bender, scratched out, it says John. Congratulations on your election to one of the finest and hardest working courts in this country. I regret that I cannot share in person this significant milestone in your life, but I've had longstanding plans to be out of town with my family.

I welcome you to our Court and will be honored to have you as a colleague. I look forward to working with you. Best wishes to you and your family on this happy and joyous occasion.

And now we'll call upon Melvin L. Vatz, Esquire, for remarks.
Mr. Vatz.

MR. VATZ: Twelve months ago on a typical Pittsburgh dreary afternoon I sat in my office sorting through piles of paper in front of me. I was dividing them into stacks marked urgent, I'll get to this one some time, and what the heck possessed me to ever take this case, when I was interrupted by my secretary with a phone call.

Hoping that this was the phone call to tell me that my ship had finally got to the port, I picked up the intercom. The phone call was from John Bender. I picked up the phone.

Hey, Mel, John started, do you have a minute? I have an idea that I want to run by you.

Now, having been John's friend for 25 years, this was not an unusual start of a conversation with John. Whether his latest brainstorm involved a case that he was trying to rescue from the jaws

of defeat, a new real estate deal, or a way to combine the practice of law with living in an exotic location worthy of a James Michener chapter, I can always count on John to enliven the conversation.

This one was no exception.

Hey, Mel, I've been looking at the Superior Court race, John told me. You know, there are only four candidates declared for the Republican primary. I'm thinking of running. What do you think?

Well, now, I've been a lawyer for a quarter of a century and I've certainly developed a keen eye for spotting issues. This idea, even for John, screamed out for some good objective lawyerly advice.

John, the primary's in May, it's January now. When do you have to have your nominating petitions in? Oh, he said, in about six weeks. John, this is a state wide race, you have to raise a lot of money to run. You can't just say I'm running and then hope to win. And what about the party endorsement and the Allegheny County Bar Association ratings or the Pennsylvania Bar Association ratings, you're too late to even appear before these panels.

So John listened and he said, So, you think it's a pretty good idea, huh? Or to paraphrase an old Barbara Streisand Broadway tune, John's response to my advice was simply Don't Tell Me Don't, and he was off and running.

To the surprise of anybody who knows John, he attacked the Superior Court race in the same manner that he has taken on any new challenge, with complete commitment and with the unshakable optimism that anything is possible. His quest was a series of challenges and obstacles from the very beginning. Collecting petition signatures without an organization in place, confronting potential challenges to his candidacy in the primary, seeking state wide support, sweating out a post primary election process that was longer than Bush versus Gore that confirmed his nomination by a margin of a few hundred votes, mending fences with a party that had actively tried to discredit him, mounting a general election campaign and hiring a campaign manager without major sources of fund-raising, and engaging in the nonstop campaigning for a state wide position that anyone who has done it knows is far from glamorous. John met each of these challenges, as he does everything, with seriousness and with purpose and without ever giving into the notion that he could

possibly be the underdog.

John's friends and family and all who know him know this about him. John can be almost quixotic in his dreams, or some might say, schemes. Many of us have interrupted or dismissed conversations with him with an, Oh, come on, John, get real, or we knowingly rolled our eyes as he goes on about his latest idea, but John is always focused on moving forward, and his guiding philosophy has always been that anything is possible.

His optimism produced a varied and successful career. After John obtained his paralegal degree and worked for Reed Smith, he went to Duquesne Law school at night. He obtained a law clerk position with Superior Court Judge Cercone, with whom he worked throughout law school.

John and I met as new lawyers in the district attorney's office in 1976 where a diverse group of young lawyers, including a number of members of the current bench, worked in an often hectic environment teaching us invaluable trial skills, learning how to think fast on our feet.

John left the DA's office to clerk for Supreme Court Justice Larson, and he soon then ventured into private practice. He earned quick success in a plaintiff practice and he and his partners bought and renovated an office building on Smithfield Street where he practiced for many years.

All the while John invested in and managed real estate, started a software business, and most importantly, tended to his lawn with the dedication of the greens keeper at Oakmont.

Looking for new horizons, John surprised everyone who knew him well when, in 1977 he decided to enter politics by running for District Justice. While John had been active as a Democratic party committeeman, he had never expressed a desire for running for office. He didn't crave or seek attention. In fact, John usually would shy away from it, but with his usual fervor attacked the District Justice race with hard work, leading to his nomination and his victory in the election.

It was clear from the day that John took the oath that he was tailor-made for that position. He enjoyed the day-to-day work. He reveled in finding the answers to disputes and he always sought

fairness. While going from District Justice to the Superior Court may seem like a quantum leap to a casual observer, it is with confidence as John's friend and as a fellow lawyer that I say that he will embrace and succeed in his new role with the same intelligence, enthusiasm and skill that he has brought to every endeavor in his career.

I was fortunate to become friends with John 25 years ago in the DA's office. John and Michele met there, I soon met my wife Claire, and the four of us have shared a wonderful friendship ever since. We have shared each and every New Year's Eve together for the last 23 years, and we did so again Monday night toasting the year just passed and wishing John well in his new venture. It is my privilege to do so again today, John, on behalf of all of your friends and colleagues here.

I conclude by addressing the honored members of the Superior Court bench here today. Some day you're going to get a call from John, or he's going to walk into one of your chambers to discuss a case, or he'll talk about an issue of importance for doing business in the Court. If he starts out by saying, Hey, Judge, I want to run an idea by you, I'd ask you to please listen to John because in a legal system in which precedence and traditions are its cornerstones, John Bender's vision, optimism and belief that anything is possible will serve both this Court and this Commonwealth with distinction. Thank you.

PRESIDENT JUDGE DEL SOLE: Thank you, Mr. Vatz. I have received those calls from John since sometime in the middle of November, and they are always worthwhile.

We have some members of the Common Pleas Court of Allegheny County here. I saw and introduced before Judge Livingstone Johnson, the brother of Judge Justin Johnson on my right. I see Judge Lawrence O'Toole, Judge Terrence O'Brien, Judge Max Baer, and I apologize if I don't recognize anyone else, I just, my vision is not as good, but anybody that thinks they're important enough that they should be introduced—I'm told that Judge Durkin, Kathleen Durkin is here, and Justice, former Justice Nicholas Papadakos is here.

And also we have a number of members of the district courts of Allegheny County that are here. District Justice David Barton, District Justice Suzanne Blaschak, District Justice Richard King, District Justice Tom Miller, District Justice Dan Olasz, District

Justice Robert Barner, District Justice Ken Hromyak and District Justice Frank Comunale, and if I missed anyone I apologize, but I just don't recognize everyone that's here today.

Now comes the very enjoyable part of the ceremony, and that is we're going to call upon Thomas Bender to read the commission from the Governor of Pennsylvania appointing John T. Bender as Judge of the Superior Court. Thomas.

THOMAS BENDER: Commonwealth of Pennsylvania, Governor's office. To John T. Bender, of the County of Allegheny in the Commonwealth of Pennsylvania, Greetings. Whereas it appears by the certificates and returns made according to law of the election held on the 6th day of November, Anno Domini, in 2001, that you have been duly elected Judge of the Superior Court in the Commonwealth of Pennsylvania. Therefore, know ye, that in conformity to the provisions of the Constitution and laws of the said Commonwealth, in such case made and provided, I do by these presents commission you to be a Judge of the Superior Court of the Commonwealth of Pennsylvania, Second Priority of Commission.

To have and to hold the said office together with all the rights, powers and emoluments thereunto belonging or by law in any ways appertaining to the term of ten years to be computed from the first Monday of January, 2002, if you shall so behave yourself well.

Given under my hand and the Great Seal for the State at the City of Harrisburg, this 20th day of December in the year of our Lord, 2001, and of the Commonwealth, the 226th, signed Mark Schweiker, Governor, and Kim Pitzarelli, Secretary of the Commonwealth.

PRESIDENT JUDGE DEL SOLE: Thank you, Thomas. And the commission of Judge Bender will be entered on the Court's records and, you know, particularly for the Judge's children, now you can keep an eye on your father and if he doesn't behave himself well, let us know and we'll see what we can do about getting the commission taken back.

Well, now it's my high honor and rare privilege to administer the oath of office to our new colleague, so I would ask Judge Bender to come forward and I would ask everyone to please rise.

John, would you raise your right hand, please.

I, John T. Bender.

JUDGE BENDER: I, John T. Bender

PRESIDENT JUDGE DEL SOLE: Do solemnly swear.

JUDGE BENDER: Do solemnly swear.

PRESIDENT JUDGE DEL SOLE: That I will support, obey and defend.

JUDGE BENDER: That I will support, obey and defend.

PRESIDENT JUDGE DEL SOLE: The Constitution of the United States.

JUDGE BENDER: The Constitution of the United States.

PRESIDENT JUDGE DEL SOLE: And the Constitution of the Commonwealth of Pennsylvania.

JUDGE BENDER: And the Constitution of the Commonwealth of Pennsylvania.

PRESIDENT JUDGE DEL SOLE: And that I will discharge the duties of my office.

JUDGE BENDER: And that I will discharge the duties of my office.

PRESIDENT JUDGE DEL SOLE: With fidelity.

JUDGE BENDER: With fidelity.

PRESIDENT JUDGE DEL SOLE: Congratulations, Judge Bender.

Please be seated.

And at this time we're going to call Judge Bender back to the well of the Court and ask his wife, Michele, to come forward and assist in robing her husband, the newest member of our Court.

(Robing of Judge Bender)

PRESIDENT JUDGE DEL SOLE: And Judge, if you'd now come and take a seat.

JUDGE BENDER: This is a wonderful day and this is a wonderful room. This is the room where I will come to work, and it almost overwhelms me. I want to thank all who are present for being here today.

Before I look forward though, I want to take a minute to look back. When I started the race, not everybody wanted me to sit here today. There were some very powerful people who felt that it might not be a good idea.

One—I'll just mention a couple—was the Governor of the Commonwealth of Pennsylvania. He felt so strongly about it that he informed voters throughout the Commonwealth that, in fact, I was a former Democrat.

The County Executive in Allegheny County gave a similar warning to the voters of Allegheny County.

In the face of that kind of opposition, how did it come to be that I was successful, that I came to be here today? I want to spend a few minutes talking about that. Although I don't know with absolute certainty, I do have some ideas that I want to share with you.

The first reason is my wife, Michele. She did numerous things that led to this result. One, and probably the most important, was she believed in the concept. Whenever I talked to her about it she was positive. She supported the idea and she supported me throughout the race. She not only believed in the concept, she also made it possible for me to engage in the race. We have three children, not young children, but young enough to require care. I never felt that I was obliged to concern myself with too many matters on the home front. That doesn't seem like it would be too important, but when you are running in a statewide race the ability to just get out in the field and stay there is very important. I had the feeling that I could do so the whole time, and I owe Michele for that.

Michele also ran my grass roots campaign. My campaign was not an organization campaign. It was based on a grass roots effort and she basically ran that aspect. She did that far better than I could ever have done.

For the next reason for my success, I look to my children. They too put up with my involvement with the race. They permitted me to be away from home. My daughter, Kathleen wanted a closet. We had just moved into a new house. My first response was, "Well, let's wait until after the primary." Then it was "Let's wait until after the general." Ultimately, we put in the closet. But more so, my children did something else. They represented me in the community. It's important when you're running for public office that everyone you know is with you because a lot of people don't know you. People who knew my children saw the way they behaved, and in turn thought highly of me. Therefore, I think my children were significant

contributors.

There's also my mother, who is here today. She was a very significant factor. She worked for me in Westmoreland County from the beginning to the end. Although she retired a number of years ago, she came out of retirement to work on the campaign pretty much full time. I won't go into all the things she did, but I will share with you her Election Day story. She got up early enough to put up signs at all the polls in her hometown of Jeannette. She then worked at the polls the entire day from seven in the morning until eight at night. She came to the victory celebration, closed that down, and was at home at four in the morning watching the internet results as they came in. She exhibited that effort throughout the campaign.

In Westmoreland County, I also had my sister, Kathy, and her husband Chuck. They worked hard circulating petitions door to door. My sister hated it. She, like myself, is not really an outgoing, social person, so it was very, very difficult. But as she said, she was not going to let her county be the one in which I lost.

We have my in-laws, who made very significant contributions to the win. My mother-in-law, Natalie Bongiovanni, and my father-in-law, Carl. They supported me in many ways. They circulated petitions, got the word out, helped with the fundraising, and they sent out hundreds of postcards. They were very helpful.

My brother-in-law Carl also helped in many ways. He mailed out thousands of brochures, but the most significant help concerned my wife, who is employed by Carl. Through the campaign, she pretended to still work for him. The realty was she'd go into work and work full-time on the campaign. While that was bad enough, she also enlisted the aid of other people at the place of business, so that not only was she not working, other people were not working as well. Carl didn't complain. He was very helpful.

My sister-in-law, Jean helped me with fund-raising, got the word out, worked the polls in an attempt to win votes.

Paula and John Wight, also worked from beginning to end doing all the things that were necessary. Paula was always helpful with rewriting. No matter what document we produced, Michele would show it to Paula and we were back taking at least two or three days rewriting and improving it, because of Paula's suggestions.

But it was more than my family. There were a lot of other people that contributed to my being here, and as I look around the room, it's very rewarding to see all the friendly faces. I want to mention a few other people.

The person who comes to mind first and was very instrumental in keeping the campaign on track was Diane Cutrara. She was my secretary in my law office. She came to work for me several years ago, working three days a week in the mornings. As the campaign progressed, she began working every day full time. She handled the practice in my absence, she worked on the campaign, and she was the campaign treasurer.

Diane made a scrapbook for me after the campaign. It contained a picture entitled "The Committee to Elect John T. Bender." That picture shows the entire committee, Michele, my wife, who was the Chairperson, and Diane, the Treasurer. That was my committee. Diane's help was invaluable.

The next person I want to thank and speak about is my manager. Stan Caldwell. He is a Republican political advisor, a consultant. After I won the primary, the race became much more serious. It was far different than the primary, and Stan told me exactly what I had to do and encouraged me to follow through on all his suggestions.

It is extremely hard to run a statewide race. I had no experience in statewide politics, and particularly, in statewide Republican matters. Stan took me where I had to go. He would line up interviews, Republican diners, and meetings. He got me out to what he called the field, and the field was anywhere but my house or my office. I'd be in the middle of the state and he'd say, "Well, next you're going here, going there." When I became so tired of it that I didn't want to do it anymore, he started driving me, just to keep me going until the end. Without Stan, I could not have done it.

The list gets long, and I'm not going to go through every individual, but I do want to mention certain groups.

I owe a huge debt to the circulators. Generally, when you run in a statewide race your circulation is done by the party. I didn't have a party because I was fighting the party in the primary. My circulators were wonderful. I'm just so grateful to them, and I have to mention a few. Mr. and Mrs. Hilko are here. They circulated petitions in Mercer

County for me. They did the entire county just the two of them, even after the Mercer County Republican Chairman said it could not be done, that it is impossible. Just quit, go home, and forget about it.

The Hilkos didn't know it was impossible, they did it. They got Mercer County for me and I'm grateful.

Petitions were circulated in Cumberland County by two lawyers, Molly McCurdy and Kevin McKeon, friends of my wife from college. They did Cumberland for me.

Circulators also traveled all through Allegheny County. People came to me and asked "Can I help? Can I circulate?" A few people come to mind because of the numbers of signatures they gathered. Frank Tominac and Melissa Crimmins, these are people I didn't ask. They said "Can I help you out?" And I said, sure. I gave them a petition. A couple weeks later they came back, it was full, 50 signatures.

It would have been impossible for me to have accomplished this alone. You cannot run in an election without circulators. Just to give you an idea of how difficult it is to circulate petitions, let me tell you a story. In the beginning, just three people, myself, Jay O'Brien and Todd Moser, who was a law student at Pitt, would get in the car and travel to surrounding counties. We'd drive around to what we thought was a good Republican neighborhood. We would get out, and go door to door. If we got ten signatures in an hour we were ecstatic.

We'd then go to a shopping center, and be asked to leave. We were essentially kicked out of every major shopping center in Western Pennsylvania. I only tell that story, one to thank Jay and Todd, and two to thank all circulators. I hope that I never need to do that again.

I want to thank people who helped me with the fund-raising. There were many that helped. Some people went beyond the call. Ron Moroski, who is in the back there, helped me in Erie, and had a fund-raiser for me. Dick Goldinger from Butler also had a fundraiser. These are people who I didn't ask, they called and volunteered, and that was really the keynote of this whole campaign. People would call, "Can I circulate? Can I help you in some way?" It was very rewarding to see that type of support.

I want to next address the Republican Party. They fought me in the primary, there's no doubt about it, but in the end they helped get

me elected. I want to thank Alan Novak, the chairman of the state Republican Party, and the Republican Party leadership. After the primary, they decided to accept me as their candidate. Had they not done that, I would not have been able to go forward and win.

I want to thank the Republican county committees and the Republican local committees, including O'Hara, which has been active with me since my DJ run. The county committees, and local committees. They were very helpful.

I will be the first to say that my relationship with the Republican Party was somewhat awkward, but I have to also admit that I owe the election to them.

I want to spend a few minutes talking about another statewide organization, and that's the 550 Pennsylvania District Justices.

District Justices are not permitted to engage in political activity, however, they still helped. They're all leaders in their communities, and I know that helped me. I want to publicly thank them.

When I was in a county that I had never been to before, where I knew virtually no one, I would see a District Justice sign, I always stopped in, said hello, introduced myself, and they were also receptive, and I always left with a few votes.

There are many other people who helped me, too many to mention. There are poll workers, people who sent out postcards, handcards, and financial contributors. They all were very significant. I had in excess of 270 financial contributors. No one contributor gave a great amount, but added together it was enough to provide the support for the grass roots campaign.

That's basically the way I overcame the opposition. There was no organization, there was no group, and there was no political leader that put me here. Those who put me here were the vast number of people who supported me because they thought I'd do a good job. They didn't help me because I could help them out down the road; they didn't help me to gain access or influence; they only wanted to help me and they wanted me to win. And I did win and I'll never forget how that came to be. My plan now is to do a good job. It's my plan to put the interests of Pennsylvania citizens first at all times and to serve them to the best of my ability.

Thank you for sharing this day with me.

PRESIDENT JUDGE DEL SOLE: Judge Bender, you are now the second District Justice to serve on the Superior Court. You know our colleague, Judge Musmanno, was a District Justice before he went on the Common Pleas Court of Allegheny County. Judge Bender has asked me to mention to all assembled that there is a reception following this installation ceremony at the Rivers Club.

To Judge Bender, we welcome you to the Court. To the Bender family, we welcome you to the Superior Court family. I'm sure we'll get to know your wife, Michele, and your children, as time goes on, and we're just happy for you that you're here today, and with that, Mr. Carey, you may adjourn the Court.

(Whereupon, the Court was adjourned at 4:44 p.m.)

THE HONORABLE MARY JANE BOWES



*July 18, 1954–
Assumed Office: January 3, 2002
County: Allegheny*

INSTALLATION CEREMONY

PROCEEDINGS

MR. CAREY: Oyez! Oyez! Oyez!

Let this ceremonial session of the Superior Court of the Commonwealth of Pennsylvania, President Judge Joseph A. Del Sole presiding, come to order.

Let all manner of person rise and attend, let the family, friends and associates of the Honorable Mary Jane Bowes be joyful and the citizens of this Commonwealth be confident and sure, as the Superior Court convenes for administration to Mary Jane Bowes of the oath of office of the Superior Court of Pennsylvania.

God Save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE DEL SOLE: We welcome everyone here today for this joyful ceremonial occasion with the Court, but before we begin our session we'll call on the Reverend David J. Crowley, Pastor of Holy Angels parish, for the invocation.

FATHER CROWLEY: You have gathered a wonderful cross-section, not only of the statement of America with this wonderful act of love, respect, honor, and of course, today a blessing for righteousness and the finest days ahead.

You never saw me read anything before, Mary Jane, but I have to read this, okay.

Judges, one day the Lord said to Moses, this is how you shall bless your people. You shall say to them the Lord bless you and keep you, the Lord let his face shine upon you, the Lord be gracious to you, the Lord look upon you kindly and give you peace.

Come Holy Spirit come, my bread and heavenly throne, come take possession of our souls and make them like Your very own. Come living spring, come living fire, bring our Justice and our Judge Mary Jane Bowes the wisdom, the counsel, the knowledge and the fortitude that she may prosper as the judge, directing the days of our Commonwealth, the Superior Court, in righteousness.

We salute you, Judge Mary Jane Bowes, and we bow our heads to you, Carl and Mary Jane Grefenstette, and we give you the Holy Angels salute, Amen, alleluia, so be it and gracias.

PRESIDENT JUDGE DEL SOLE: At the opening of the session Mr. Carey called all to give their attention at this ceremonial session of the Court convened for the joyful purpose of installing Mary Jane Bowes as the 88th judge of the Superior Court of Pennsylvania. What a happy time for Judge Bowes, her family, her friends, and the members of this Court.

Judge Bowes is an outstanding trial lawyer, having attained membership in the prestigious Academy of Trial Lawyers of Allegheny County, an organization whose membership is limited to 250 trial lawyers and is by invitation only.

She began her legal career as a law clerk, first for Chief Justice Henry X. O'Brien of the Pennsylvania Supreme Court, and then for Judges John Hester and Harry Montgomery of this Court.

Following her tenure as a law clerk, she entered private practice and within a few short years founded her own law firm.

She has demonstrated an understanding of the law and a commitment to public service as evidenced by her work on many boards and organizations. Her time with three distinguished jurists

gives her the knowledge of the workings of the appellate courts, and her advocacy on behalf of her clients gives her the knowledge of the concerns of those whose cases we are called upon to decide.

Judge Bowes, there can be no doubt that you are well prepared for this Court and we welcome you as our newest colleague.

I will just take a moment to introduce some of the people that are in the audience. With us today is Mr. Justice Ralph Cappy of the Pennsylvania Supreme Court, I see Judge Emil Narick of the Commonwealth Court, Judge Gene Scanlon of the Court of Common Pleas of Allegheny County, Judge Cynthia Baldwin of the Common Pleas Court, and State Senator Melissa Hart. No, that's not right. Congresswoman Melissa Hart.

Also with me on the bench today, to my far right is Judge Joan Orié Melvin, and seated to her left is our colleague, Judge Michael Eakin, soon to be Justice of the State Supreme Court. To his left is Judge Justin Johnson. To my left is Judge Kate Ford Elliott, and to her left is Judge Michael Joyce, and seated in the back we have Judge Maureen Lally-Green, Judge Richard Klein, one of our new members from Philadelphia, Judge Patrick Tamilia, Judge John T. Bender, who took the oath of office yesterday, Judge Debra Todd and Judge John Brosky, and we all welcome you to this Court.

The first to offer remarks today is the Honorable Michael D. Fisher, the Attorney General of the Commonwealth of Pennsylvania. And I will just recall a personal thing, General, and that is that as a young lawyer when I was going up to be interviewed by the then Governor of Pennsylvania for appointment to the Common Pleas Court, it was the State Representative Michael D. Fisher who picked me up at the airport, took me to the capitol and guided me through the process, and we've had a friendship that's lasted over 24 years.

General, it's nice to have you here today.

ATTORNEY GENERAL FISHER: May it please the Court, President Judge Del Sole, other members of the Superior Court and our other appellate courts, elected officials, ladies and gentlemen. It's an honor to be part of today's ceremony, and I'm pleased to be one of the people to witness my friend, Mary Jane Bowes, be sworn in as a Judge of this most distinguished Court.

I've known Mary Jane and her family for many years. We are

both graduates of Georgetown and members of the same parish, St. Louise DeMarillac, where we find ourselves on the altar together from time to time as lectors, but I really got to know Mary Jane well this past year as I saw her work so hard to be elected to this Court.

A year ago Mary Jane was a virtual unknown to the Pennsylvania political establishment, but she is certainly not an unknown today. She was part of a dynamic winning team that crisscrossed the Commonwealth for ten months to earn the support of voters.

Mary Jane was one of the year's most tireless campaigners, and unlike some, she liked the campaign circuit so much that she actually volunteered to be my running mate this year. Now, this Court and her family will be glad to know that she withdrew that offer on election day.

For more than 20 years Mary Jane has been dedicated to the law. She comes full circle today, as Judge Del Sole mentioned, as she becomes a judge of the Superior Court, because it was here that she got her start working as a judicial law clerk for Judges Montgomery and Hester. Her work for Chief Justice O'Brien of the Supreme Court of Pennsylvania also gave Mary Jane early and important experience in the vital workings of our appellate court.

Work in private practice has also drawn strong praise, including her election to the prestigious Academy of Trial Lawyers of Allegheny County, as well as her selection in 1997 by then Governor Tom Ridge as one of Pennsylvania's best 50 women in business.

Along with the dedication to legal scholarship, Mary Jane brings dedication to the community. From the Pittsburgh Civic Light Opera to helping hearing impaired children through DePaul Institute, Mary Jane has been involved. Her work as past president of the Parental Stress Center assists children who have been neglected and abused, and she also lent her time to St. Clair Memorial Hospital and many other organizations.

Family is another focal point for Mary Jane. As you will see in a few minutes as her children, Brendan, Bridget and Conor and husband Ron all assist her advancement to the bench.

I believe that our success in life is measured by the people and the institutions that we touch along the way. By that measure Mary

Jane has already achieved the highest level of success as a lawyer, community leader, parent and spouse. Now that experience will serve all of Pennsylvania.

Mary Jane faces the challenges of our appellate court system. She's up to that challenge. I know she has already learned well the customs of this Court. Last Thursday a number of us were all on the same flight from Philadelphia after Judge Klein's swearing in. As we were exiting the plane in Pittsburgh, Judge Elect Bowes agreed to carry President Judge Del Sole's briefcase. I thought it was a pretty smart gesture.

The job of this Court requires much more. It requires temperament, scholarship, knowledge of the law, fairness and, most of all, integrity. In Mary Jane Bowes we have all of those, and I know she will excel and, in doing so, will make all of her family and supporters very proud.

Mary Jane, congratulations, thank you for allowing me to be part of this special day, and may God bless you every step of the way. Thank you.

PRESIDENT JUDGE DEL SOLE: If there are any elected officials that I have not recognized, I apologize, but anyone that feels important enough to be recognized, please raise your hand and we'll accommodate you.

Our next speaker is the Honorable James C. Roddey, Chief Executive of Allegheny County, Chief.

MR. RODDEY: May it please the Court. Over the years Pennsylvania has been blessed with presence of some extraordinary people. Men and women who have a desire to serve others and serve their community through organizations that are dedicated to helping those less fortunate and that promote advancement and improvement of our society.

Today we witness the installment to the Superior Court of the Commonwealth of Pennsylvania just such an individual.

What makes this a special occasion is that this new Superior Court Judge not only has a remarkable professional record of excellence, but also has an impressive list of accomplishments and participation in a variety of groups committed to service, many of whom you have heard President Judge list and also our Attorney

General.

Mary Jane is a member of the Board of Trustees of Duquesne University, the DePaul Institute for Hearing Impaired Children and the Pittsburgh Civic Light Opera. She is a past member of the Board of Trustees at St. Clair Memorial Hospital and past president of the Board of the Parental Stress Center which treats neglected and abused children. She was honored by Governor Ridge with Pennsylvania's 50 best women in business award in 1997.

Today she joins the ranks of the distinguished members of the Superior Court of our Commonwealth.

As an adult, my first employer, the United States Marine Corps, taught me a very important and valuable lesson. Quality combined with effort will always prevail. This past November, the voters of Pennsylvania recognized that very same thought. Congratulations, Mary Jane.

On behalf of the citizens of Allegheny County, we are proud of you and what you have achieved. Quality and effort have indeed prevailed.

PRESIDENT JUDGE DEL SOLE: Thank you, Mr. Roddey. Next to offer remarks is Thomas M. Hardiman, Esquire, a partner in Reed Smith, and, of course, Mary Jane has told me that she didn't want to get the programs reprinted, but ignore Reed, Smith, Shaw & McClay, they dropped the Shaw & McClay some time ago.

MR. HARDIMAN: No offense to Shaw & McClay. Mr. President Judge, may it please the Court. Distinguished Justices of the Supreme Court, distinguished Jurists of the Superior, Commonwealth and the Court of Common Pleas. It is my privilege to share with you a few remarks about the extraordinary woman we honor today, Mary Jane Bowes.

I first met Mary Jane when I served on Governor Ridge's Judicial Selection Commission which was interviewing candidates for the Court of Common Pleas vacancies here in Allegheny County. Due to political inertia those positions were not filled, but as we see today, sometimes political setbacks result in even greater success.

Before her interview, I had reviewed Mary Jane's application and was impressed by her academic background and broad experience in the law. As impressive as she was on paper, she was even more

impressive in person. Mary Jane was as poised and articulate a candidate as I had ever met. More importantly, she knew exactly why she wanted to be a Judge. Because she had a deep appreciation for the law and she wants to serve the public interests.

As the jurists and elected officials present today understand, serving the public requires sacrifice. After I called Mary Jane to encourage her to run for Superior Court, I hung up the phone and realized that I was asking her to take substantial amounts of time away from her family, traveling to 67 counties and raising substantial amounts of money. I felt a pang of conscience and thought, well, let's just hope she wins.

After making the sacrifice of prevailing, Mary Jane's reward will not be financial in nature. Indeed, the public officials who hold the highest offices in the Commonwealth are paid about what our law firm pays 25 year olds just leaving law school. In fact, I think my friend, Mr. Roddey, makes in a year what he used to make in about three weeks in the private sector. Nevertheless, our finest public servants recognize that it is a privilege to serve as Supreme Court Justice, Superior Court Judge, Attorney General or County Executive. So it is important that Mary Jane has been committed to serving others throughout her professional career and that she will do so now as a great jurist. But what makes a great jurist anyway?

President Judge Del Sole and others here can answer that question better than I, but let me take a few minutes to try to do so briefly.

First, integrity is the sine qua non for any jurist. One of the pillars of our republic, the rule of law requires an honest application of the law to the facts of each case. Great Judges have the fortitude to call them as they see them, irrespective of what a journalist or what the Court or public opinion might say about the case.

Mary Jane has never been a shrinking violet, and I don't expect her to become one when she joins the Superior Court. Mary Jane will make a thoughtful, honest and independent evaluation of each case on the merits, which is precisely what we practicing attorneys like to see.

Second, professional competence is critical for a jurist. The American Bar Association defines professional competence as including intellectual capacity, judgment, writing, and analytical

ability, knowledge of the law and breadth of professional experience.

Although she possesses all of these qualities, Mary Jane's breadth of professional experience is particularly broad. Based on her most recent experience with IT Corporation, Mary Jane will understand the corporate perspective on the law. Her years in private practice serving both plaintiffs and defendants will allow her to see cases from both sides, and time spent running her own firm will make her sensitive to the arguments of individual litigants and small and medium-sized organizations.

Finally, Mary Jane's years of service clerking on the Supreme and Superior Courts will enable her to handle her administrative duties without difficulty, and perhaps more importantly, require that she treat her law clerks well.

The third critical trait of a great jurist is good judicial temperament. In other words, is the Judge patient, courteous, compassionate and free of bias. Anyone who knows Mary Jane understands that she has an outstanding temperament. She's a pleasant person who extends a warm smile to everyone she meets. Mary Jane's years of service to charitable organizations, particularly the Parental Stress Center, demonstrate that she is a compassionate person who has worked to help others.

As a person of faith, Mary Jane will be committed to equal justice for all. So integrity, professional experience and good temperament are the qualities and talent that Mary Jane Bowes will deploy to become a great jurist. But I've yet to mention Mary Jane's extraordinary accomplishments. She has done all of this while maintaining a successful marriage and doing a wonderful job raising three great children.

Despite her respect for the law and her desire to serve others, Mary Jane and her husband Ron have dedicated themselves to faith and family. Pittsburgh is blessed with many great families, and the Grefenstettes are among them. I believe that Mary Jane learned to be the outgoing, thoughtful and compassionate person that she is while growing up in a large family where faith and service to others was a guiding principle.

The Superior Court will be fortunate to have in Mary Jane a woman who is as committed to family, community and motherhood

as she is to the law. So while we honor Mary Jane Bowes today and celebrate her installation to this Honorable Superior Court, the ultimate beneficiaries of this occasion are the people of Pennsylvania.

Mary Jane's intelligence, experience and the seriousness of the purpose she brings to the bench will enhance the administration of justice in the Commonwealth and fortify the rule of law upon which the freedoms we all enjoy depend.

Congratulations and God bless.

PRESIDENT JUDGE DEL SOLE: When one becomes a Judge of any Court in the Commonwealth one is commissioned by the Governor of Pennsylvania, and one of the joyful events at any installation ceremony is the reading of the commission, and for that purpose today, for the presentation of the commission of Mary Jane Bowes as Judge of this Court the commission will be brought to us by Brendan McHale Bowes.

MR. BRENDAN BOWES: May it please the Court, and my mother. Before I read the commission I'd like to analyze this election from the perspective of a son.

To be honest, I never once doubted from the moment she decided to run for the position that she would be Judge. Maybe it was just a child's simple belief in their parents' infallibility. But I think that it was something more than that. I am, as you can see, a teenager, and that blind faith in your parents' wisdom isn't quite as strong in my kind. What I really believe is that at some point every child realizes the true worth of their parents and begins to appreciate how special they are.

I have been blessed with very special parents. I think that last year I knew that my mother had the qualities it takes to be a good Judge and the determination and the will to become one.

I remember a few years ago my mother told me that I was her favorite. Five minutes later I heard her tell my brother the same thing. And the next day I heard her say to my sister that she was the favorite. We all believed her. From that moment on I thought that she might succeed in politics.

Truly, though, it is her example that has meant so much to me that made me believe in her. In everything she has done, she has been a person of high moral standards. She has taught me never to back

down on the issues involving my morality or conscience, even when taking a stand can lead to repercussions or alienation.

She has shown me through her actions that you can make a difference in people's lives and in our community. In the world of politics today, integrity is often called for but rarely realized. I have known my mother to be intelligent, personable, hard working and strong willed, and while all of these characteristics are very important and make me very proud of her, what matters most of all is that she is a person of integrity.

The example my mother has set for me can be summed up pretty easily. She has shown me what it means to be a servant leader. I have always known her to think of others ahead of herself. She is willing to make sacrifices in order to see the right decision made or the job completed correctly.

There are many in our world who can lead, but few are willing to be a servant first. Truly, the example my mother has set for me leaves no doubt in my mind that she will serve on the bench with the same integrity and excellence which she has always shown.

Thank you for being a wonderful mother and example for me. I know that you will be a great Judge, Mom.

Now I have this to read from the Governor's office.

To Mary Jane Bowes of the County of Allegheny in the Commonwealth of Pennsylvania, Greetings. Whereas it appears by the certificates and returns made according to law of the election held on the 6th day of November, Anno Domini, 2001, that you have been duly elected Judge of the Superior Court of Pennsylvania.

Therefore, know ye, that in conformity to the provisions of the Constitution and the laws of the said Commonwealth, in such case made and provided, I do by these presents commission you to be a Judge of the Superior Court of Pennsylvania, Third Priority of Commission. To have and to hold the said office, together with all the rights, powers and emoluments thereunto belonging or by law in any ways appertaining for the term of ten years, to be computed from the first Monday of January, 2002, of you shall so long behave yourself well.

Given under my hand and the great seal of the state at the City of Harrisburg, this 20th day of December, in the year of our Lord, 2001, and the Commonwealth, the 226th, Mark S. Schweiker,

Governor.

PRESIDENT JUDGE DEL SOLE: Thank you, Brendan, and we will see to it that the commission is entered into the Court record, and for those of you in the back, you can't see the joy and pride on the family and parents of this young man who just spoke here today, and it's a tribute to the family and we welcome you to that.

We have now reached the point where we are going to administer the oath of office to Judge Bowes, and assisting in that administration are her children Bridget and Conor, who will hold the Bible.

Judge Bowes will take the oath, and while administering the oath I ask all present to please stand.

I, Mary Jane Bowes.

JUDGE BOWES: I, Mary Jane Bowes.

PRESIDENT JUDGE DEL SOLE: Do solemnly swear.

JUDGE BOWES: Do solemnly swear.

PRESIDENT JUDGE DEL SOLE: That I will support, obey and defend.

JUDGE BOWES: That I will support, obey and defend.

PRESIDENT JUDGE DEL SOLE: The Constitution of the United States.

JUDGE BOWES: The Constitution of the United States.

PRESIDENT JUDGE DEL SOLE: And the Constitution of the Commonwealth of Pennsylvania.

JUDGE BOWES: And the Constitution of the Commonwealth of Pennsylvania.

PRESIDENT JUDGE DEL SOLE: And I will discharge the duties of my office.

JUDGE BOWES: And I will discharge the duties of my office.

PRESIDENT JUDGE DEL SOLE: With fidelity.

JUDGE BOWES: With fidelity.

PRESIDENT JUDGE DEL SOLE: Congratulations, Judge Bowes.

JUDGE BOWES: Thank you.

PRESIDENT JUDGE DEL SOLE: And now her husband, Dr. Ronald T. Bowes, will assist in robing his wife.

(Robing of Judge Bowes)

PRESIDENT JUDGE DEL SOLE: And Judge, if you would

take your seat on the bench, and will everyone be seated.

JUDGE BOWES: President Judge Del Sole, distinguished colleagues, noted speakers, reverend fathers, members of the bench and bar, family and friends, I want to thank all of you for being here with me today as I sit before you for the first time as a Judge of the Superior Court of Pennsylvania.

I am especially grateful to Attorney General Mike Fisher, Allegheny County Executive Jim Roddey, and my finance chair, Tom Hardiman, for their gracious and kind words on my behalf. These busy and successful individuals were among the first of my supporters who, along with Keith Schmidt, Kent Gates, Eileen Melvin and Jerry Morgan, encouraged and advised me publicly and privately in my quest for the seat which I now occupy.

I was confident that with the support of these experienced leaders and so many others and through hard work and determination, success could be achieved. But a state-wide campaign is a significant undertaking and no candidate can successfully accomplish this task alone. It was only with the generosity and assistance of so many who believed in me that I am here today.

Countless individuals across this great Commonwealth worked on my behalf, but time constraints and my President Judge prevent me from publicly acknowledging all of them. I must, however, take time to thank those who paid the highest price over the last 12 months, my family.

I owe a debt of gratitude to all my siblings and extended families, many of whom are with us today. They stood by me and were there when I called on them, especially my brother Jerry who worked tirelessly on my campaign. Thank you.

In particular, I want to thank my wonderful children, Brendan, Bridget and Conor, who never complained throughout endless meals of pizza, countless county fairs, and for pretending to be proud that they were in my television commercial. I hope that this undertaking has taught them the importance of aiming high, persevering and that dreams really can come true.

I want to also thank my parents, Mary Jane and Carl Grefenstette, who embody the epitome of parental love. During the course of the campaign and in truth, my entire life, their love,

encouragement and sacrifice of time and attention not only kept me going strong, but comforted me when the going got tough. Their confidence never wavered. Their love never faltered.

Finally, I want to thank my husband, Ron, for his unfailing support and love, for his advice and creative ideas throughout the campaign, and for his enthusiasm for everything that I have ever attempted and accomplished in my life. All of it would be meaningless without him by my side.

As I traveled across Pennsylvania over the course of this last year, I visited many places and met many wonderful people. I grew familiar with their towns and became in some small way a part of their community. It is this knowledge, this sense of belonging that I will take to the bench with me. I am, more than ever, a Pennsylvanian. But the events of these past months have also driven home in a dramatic way our obligation as Americans to support our country, to meet our responsibilities as citizens, and to do whatever we are able when called upon to protect, defend, and serve our country.

Daniel Webster once said, "I was born an American, I live an American and I shall die an American, and I intend to perform the duties incumbent upon me in that character to the end of my career. I mean to do this without absolute disregard of personal consequence, for no man can suffer too much in the defense of liberties and constitution of this country."

I know through my work with the Superior Court that it is populated with judges who are firmly committed to the highest performance of their duties without regard to personal consequences, and I am humbled and honored to join this august body. I look forward to working with them, to learning from them, to upholding the standards of excellence that has earmarked this court, and to contributing in some measure to the furtherance of justice in Pennsylvania.

British author Sidney Smith noted that in seeking justice, we find, "truth is its handmaid, freedom is its child, peace is its companion, safety walks in its steps, victory follows in its train. It is the brightest emanation from the Gospel. It is the attribute of God."

I recognize that the citizens of this Commonwealth have placed their sacred trust in me to pursue justice and to protect our Constitution, and I commit to you here today my mind, my heart, and my honor to the execution of the duties of this high office.

I ask now for your assistance and prayers as I begin. Thank you.

PRESIDENT JUDGE DEL SOLE: Before we have the benediction, I have been asked by our new colleague to remind everyone that there is a reception at the Duquesne Club immediately following this ceremony, and now I call upon the Reverend Kris D. Stubna for the benediction.

REVEREND STUBNA: Justices, it is a great privilege not only to be able to share in this great day with our new Judge, but to end our glorious proceedings by calling down upon all of us the blessing of God. And so I ask you to bow your heads and pray now for God's blessing.

God of all goodness and truth, You have created all things and through Your great wisdom and loving providence You guide the universe according to Your plan and Your laws. Righteousness and justice are the foundations of Your throne. Steadfast love and faithfulness go before You always. We pray Your blessing today on this great nation of ours and our great laws to defend and protect the dignity and rights of each individual. Especially the least among us, the poor, the oppressed, those who do not have a voice.

Guide and strengthen our President and our government leaders, keep us safe from all evil and harm.

Today in a special way we pray for Judge Mary Jane Bowes. May Your great wisdom and counsel be upon her as she undertakes the responsibilities of her office. Bless her family and all of her friends who are joined together on this happy and joy-filled day. Keep us always safe in Your love and may all of us strive to embrace the way of life set before us in the scriptures. That we might only work to do justice, to love kindness and to walk humbly with our God. We ask these prayers in the power of Your Spirit and in the name of our Lord and Savior, Jesus Christ, Amen.

PRESIDENT JUDGE DEL SOLE: Ladies and gentlemen, on behalf of our new Judge, Judge Bowes, her family and her colleagues on this Court, we thank you for attending today and participating in this joyful ceremony, and with that, Mr. Carey, you may adjourn.

(Whereupon, the Court was adjourned at 3:44 p.m.)

THE HONORABLE ROBERT A. GRACI



*August 12, 1952 –
Assumed Office: September 20, 2002
County: Delaware/Cumberland*

INSTALLATION CEREMONY

PROCEEDINGS

(Musical prelude)

MR.MORRISSEY: Please rise.

The Honorable Judges of the Superior Court of Pennsylvania.

Oyez! Oyez! Oyez!

Let this ceremonial session of the Superior Court of the Commonwealth of Pennsylvania, President Judge Joseph A. Del Sole, presiding, come to order.

Let all manner of person rise and attend, let the family, friends, and associates of the Honorable Robert A. Graci be joyful and the citizens of this Commonwealth be confident and sure, as the Superior Court convenes for administration to Robert A. Graci of the oath of office of the Superior Court of Pennsylvania.

God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE DEL SOLE: Please remain standing

for the national anthem and the invocation.

(National anthem)

PRESIDENT JUDGE DEL SOLE: I now ask Father Snyder to come forward for the invocation.

FATHER SNYDER: Mindful of the many and varied ways we appreciate and know God, mindful of the many ways we find meaning and purpose in our living, we pause and seek blessing and grace.

Let us pray.

Almighty and eternal God, You have revealed Your glory to the nations. God of power and might, wisdom and justice, through You authority is rightly administered, laws are enacted, and judgment is decreed.

We pray today for Judge Graci. Direct him with Your wisdom, that his decisions may assure the justice of our laws framed for our rule and government. May he be enabled by Your powerful protection to discharge his duties with honesty and ability. May he execute law with justice and mercy.

May all who work with him and advise him conduct their duties with righteousness and integrity.

Bless Judge Graci's family—Shawn, Petra and Caitlin. May they be a support to him and he to them.

Bless our Commonwealth with Your favor and grace. Guide our country and all people of good will in the way of peace. May we be preserved in liberty and in respect for all the living.

Care for each one of us on our life's journey that we may be free from all fear and anxiety. We pray this and all things to You, who are Lord and God, forever and ever. Amen.

PRESIDENT JUDGE DEL SOLE: Ladies and gentlemen, we welcome you to the ceremonial session of the Superior Court of Pennsylvania.

The happy occasion of administering formally the oath of office to our newest member, the 218th individual citizen of the Commonwealth of Pennsylvania to serve on this, one of the oldest intermediate state appellate courts.

It is fitting we are here today to administer the oath to Judge Graci. Those of us that have known him during his time of practice

and his short time on the bench are impressed with his skill and we hope that he is equally impressed with the quality of the colleagues with whom he is now serving on the bench.

In Pennsylvania, we have the joyful honor of being the cradle of liberty. People met in Philadelphia in the late 18th Century to give this country and its citizens their liberty and their rights. And it is the courts and institutions of government that preserve those liberties and rights. And it is that institution, the Superior Court of Pennsylvania, that Judge Graci now joins.

And with that, I'm going to introduce the judges of the Superior Court that are here today to celebrate with Bob and his family on this wonderful occasion.

To my right is Judge Justin Johnson from Allegheny County. To my left is Judge Michael T. Joyce from Erie County. To my right is Judge Correale Stevens from Luzerne County. To the far left is Judge Joan Orié Melvin from Allegheny County. And in the back, starting at the right is Judge Patrick Tamilia from Allegheny County, Judge Mary Jane Bowes from Allegheny County, Judge Maureen Lally-Green from Butler County, and Justice Frank J. Montemuro from Philadelphia County.

And I want you all to notice something in the room. If you look at this bench, you will see that service on this Court turns the hair of all the men white and the hair of all the women blond. And it will only be a short period of time that Judge Graci will be gray. And I'm sure we will have more blond women on the Court in the future, as we should.

With that, I'm going to ask our first speaker, the Honorable LeRoy S. Zimmerman, first elected Attorney General of Pennsylvania, to come forward. General Zimmerman.

GENERAL ZIMMERMAN: May it please the Court, President Judge Del Sole, distinguished members of the Court, General Fisher, the Graci family, ladies and gentlemen, it's my privilege and pleasure to participate this morning in the formal swearing in ceremony of Robert A. Graci.

The Robert Graci story must be told and it is my pleasure to be a part of making that record in this ceremony here this morning.

Bob was born in Philadelphia on August 12, 1952, the second

of three sons born to Paul and Anne Graci.

He grew up in Havertown, Delaware County, Pennsylvania. And after graduating from Monsignor Bonner High School in Drexel Hill, Bob attended West Chester State College. He paid his own way through college working a variety of jobs. And after only three and a half years, he graduated with a Bachelors Degree in Political Science, part of the first generation of his family to attend college.

Bob has been and continues to be a great source of pride, as other judges on this panel have been, to the Italo-American Community throughout the Commonwealth of Pennsylvania.

Bob took the first step in realizing a life-long dream, a life-long dream of becoming a lawyer, when he enrolled in the University of Miami School of Law, where he was awarded academic scholarships during this second and his third years.

While in law school, Bob served almost two years as a legal intern in the Dade County State's Attorneys' Office, the beginning of his career, early career as a prosecutor.

Before graduating with honors in May of 1977, Bob had tried several jury and non-jury trials. After taking the bar exam, Bob began what was to be a career in public service. Bob was accepted into the honor's program of the Internal Revenue Service. He was able to return to his native Pennsylvania, where he worked as a staff attorney on various criminal tax issues.

When Bob left the Service, he was appointed as an Assistant District Attorney where he was involved in a variety of cases in the trial and in the appellate courts. The District Attorney at that time was Frank Hazel, now a Judge of the Court of Common Pleas of Delaware County. He specially assigned Bob to the special prosecutions unit, which was charged with investigating and prosecuting organized crime and public corruption.

And during this assignment, Bob was involved in the very first successful prosecution in the Commonwealth under our state's anti-racketeering statute.

Now, after serving three and a half years as an Assistant D.A., Bob decided to broaden his legal horizons. He accepted a position as counsel on the corporate legal staff of Reliance Insurance Company.

And while there, Bob was involved in securities and regulatory matters and issues that were related to labor-management disputes and employment law.

Bob was asked to return to the public sector and accept the position as counsel to the Pennsylvania Crime Commission, an agency that investigated organized crime and public corruption.

There, Bob oversaw a special project, an investigation of fraud in the coal industry, which cost investors and the government huge sums of money. While serving the commission, Bob was asked to act as special counsel to Pennsylvania State Senator Stewart Greenleaf, who, as chairman of the Senate Law and Justice Committee, was conducting an investigation of the Liquor Control Board. Bob was the liaison between the Senator and law enforcement agencies. And many of the enforcement-related proposals that Bob worked on with the Senator became law when the Liquor Code was rewritten in 1986.

During this time with the Senator, Bob became associated with a Media law firm, Prodoehl, Malady, and Donato. This firm was engaged in the general practice of law. So he had a great experience in the day-to-day practice of law. Bob became involved in many of the matters that were handled by the office.

But then in 1984, that's when I first met Bob, I had the pleasure of recruiting Bob Graci during my first term as Attorney General. He graciously accepted a position in my criminal law division. Now, when first appointed, Bob handled grand jury investigations, criminal prosecutions, and appeals. Very quickly, very quickly, Bob demonstrated his talents as a prosecutor.

In 1986, I promoted him to the position of Chief Deputy Attorney General, and in that position he was involved in many cases in all of the state and federal appellate courts of the Commonwealth, including the Supreme Court of the United States.

In addition to his prosecutorial duties, he was also very adept at preparing and drafting legislation that improved our criminal justice system in Pennsylvania, including the amendments to the wiretap law that were enacted in 1988.

He played a key role in formulating the Attorney General's drug proposals. Bob was twice appointed by the Pennsylvania Supreme Court to its Criminal Procedural Rules Committee.

Bob Graci earned the reputation as a scholar as well. He edited “The Prosecutors Update,” a compilation of recent appellate decisions published by the Attorney General’s Office. He co-authored a treatise on death penalty litigation, which is still used today by prosecutors, defense lawyers, and judges throughout the United States.

He was never too busy, however, Bob was never too busy to teach others. He served as an instructor for the Penn State paralegal program, as a course planner for Widener University Law School, and as a lecturer for the Pennsylvania Bar Institute. He’s been a favorite lecturer to many law related groups, including the Pennsylvania Conference of the State Trial Judges, the Pennsylvania District Attorneys Association, the Pennsylvania Bar Institute, and the State Police.

Three Attorneys General of Pennsylvania have commended Bob for outstanding service to the people of this Commonwealth. He was the recipient of the Association of Government Attorneys in Capital Litigation’s prestigious Regional Vice President’s Award for Excellence in Appellate Court Advocacy.

The Pennsylvania Bar Association gave Bob its highly recommended rating for a position on the Superior Court.

He’s going to be pretty tough sitting up on the bench for the lawyers who are down in front of him, because when it comes to the law he knows most of the answers. And it will be very difficult to ever try to confuse him as he sits on the bench.

Now on the personal side, quickly, when Bob completed his first year in law school, he married his high school sweetheart, Shawn Montgomery. Shawn teaches mathematics at Cumberland Valley Senior High School where they reside. And as you know, they’re the parents of two wonderful daughters, Petra, a masters degree candidate at Ithaca College; and Caitlin, an aspiring actress with a magnificent voice who hopes to pursue a career on Broadway. We just had the pleasure of hearing that voice with you.

Ladies and gentlemen, Bob Graci, by hard work, by loyalty, by integrity, and determination earned the reputation of being a lawyer’s lawyer, a prosecutor’s prosecutor. And I have every reason to believe, and I’m sure you share my views, that soon he will have been able to earn the reputation as a judge’s judge.

May God bless you, Bob, and may God keep you and give you the help, wisdom and the courage in your new position of important responsibility as a member of this distinguished Court. Thank you very much.

(Applause)

PRESIDENT JUDGE DEL SOLE: Thank you, General. Before we proceed with the next speaker, there are some guests in the audience that warrant introduction.

First I'd like to introduce, I'm told that Senator Jeffrey Piccola is here, majority whip; and Senator Stewart Greenleaf, the chair of the Senate Judiciary Committee, are here. Gentlemen, we welcome you and we thank you for your efforts in assuring the confirmation of Judge Graci as the newest member of our Court.

I'm also advised that there are some members of the State House here, Representative Pat Vance, Representative Jerry Nailor, and Representative Allan Egolf. And we thank you all for coming and joining us this day.

And also, I think we should, again, thank Caitlin for the wonderful music that she provided for us this morning.

(Applause)

Ladies and gentlemen, our next speaker is Bob's former boss and my neighbor, the Attorney General of Pennsylvania, Mike Fisher.

(Applause)

ATTORNEY GENERAL FISHER: May it please the Court, General Zimmerman, other elected officials, members of the Graci family, friends and former colleagues all from the Office of Attorney General, it's quite an honor for me to be here today to offer my congratulations to Bob Graci as he takes the oath to become a judge on the Superior Court of Pennsylvania.

I've known Bob since he started in state government, while he served with the Pennsylvania Crime Commission and when he served as special counsel to my then-colleague Senator Stew Greenleaf in the Senate. And I got to know him and Shawn particularly well in 1995 when I saw both of them campaigning across the state as Bob attempted to become a member of the Commonwealth Court of Pennsylvania.

But beginning in late 1996 and 1997 I got to know Bob

exceptionally well as I spent a lot of time with Bob Graci over the past six years as the Attorney General of Pennsylvania.

Let me be clear about one thing. Bob Graci has never been accused of being a man of a few words.

But there's good reason for that. He knows a lot of words. With that great knowledge, I can assure you he knows the law. I've often said that there's no one across Pennsylvania who knows the criminal law better than Bob Graci. And I can tell you Bob Graci has always enjoyed sharing that knowledge of the law with people, particularly those with whom he worked.

As Attorney General, my staff and I would turn to Bob Graci time after time for his brilliant legal analysis. I knew that Bob would look at all sides of an issue—in fact, sides that many of us never even thought of—study the law and give a well-reasoned opinion and a course of action.

Bob was a lawyer's lawyer. Now I believe he will be a judge's judge.

Bob brings that thirst for knowledge to the bench. He wants to know the facts of the case. He wants to apply the law to those circumstances. And he wants to make the right decision. Pennsylvanians should know that when Bob Graci makes a decision on their behalf, it will not only be the right one, it will be a fair one.

As you know, Bob was the chief of the appeals and legal services section of the criminal law division for 18 years—first under Roy Zimmerman, then under Ernie Preate, next under Tom Corbett, and then continuing under me.

In 1997 Bob helped me create the capital litigation unit to assist district attorneys, especially those in small rural counties, handling the crushing workload of capital cases.

I know that Bob has the gratitude of district attorneys all across this Commonwealth for this service. I will see if they retain that gratitude if they ever have to appear before him.

Bob also handled several noteworthy cases while heading the appeals section, including constitutional challenges to state wiretapping and death penalty statutes. I had the real honor of sitting with Bob when he argued a case before the United States Supreme Court, the Fiore case. I witnessed this firsthand, his preparation and

his appellate advocacy skills and his command of the law.

Bob is not only a skillful lawyer, but he was also an effective lobbyist. He spearheaded substantial revisions to the wiretapping statute in 1988. He formulated the Attorney General's antidrug proposals in the late '80s and early '90s. And most recently, before coming on the bench, he led a team of my deputies in drafting amendments to the Post-Conviction Relief Act allowing for DNA testing for inmates.

For all of his outstanding service, I was proud to name Bob to a newly created position of Assistant Executive Deputy General for the Law and Appeals Section of the Criminal Law Division in 1997. I'm proud of the work he did in that position, but I'm also now very proud to call you Judge Graci.

On behalf of myself and all of the employees of the Office of Attorney General, both past and present, congratulations, Bob. You've performed outstanding service to the people of the Commonwealth of Pennsylvania during your service in the Office of Attorney General. And I know that you will continue that service on this most distinguished Court, the Superior Court of Pennsylvania. Thank you very much and God bless you.

(Applause)

PRESIDENT JUDGE DEL SOLE: General Fisher referred to Judge Graci's 1995 effort to secure a seat on the Commonwealth Court. And we believe that that was that Court's loss and our gain.

(Applause)

There are a few others that I'm going to take a moment to introduce. First, I note in the audience former Attorney General Tom Corbett. Tom.

(Applause)

If there are any more Generals in the office we will think we're at the Pentagon.

We have some Common Pleas Court Judges with us today, I'm told. Judge Isaac Garb from Bucks County; Judge Jacqueline Cody of Chester County; Judge Wes Oler of Cumberland County; President Judge Joseph Kleinfelter of Dauphin County; Judge Todd Hoover of Dauphin County; Judge John Dowling of Dauphin County; Judge Warren Morgan of Dauphin County; Judge John Foradora, President

Judge of Jefferson County; Judge Ernie Kline of Lebanon County.

If there are any other members of the judiciary here who feel they are important enough to be recognized, please stand and then we will recognize you.

Unfortunately, the Governor of Pennsylvania was called to Washington and can't be with us at this time. But we would like to thank him for nominating Judge Graci to serve on this Court.

Governor Schweiker has sent his Chief of Staff, David Sanko, to offer a few remarks. Mr. Sanko.

(Applause)

MR. SANKO: Governor Schweiker wanted to be here today, but, as you heard, at the last minute he was called to Washington for a meeting with the President and wanted me to make sure that he was represented at the swearing in of his only appellate court appointment, Superior Court Judge Bob Graci.

This is a proud day for Bob; his wife, Shawn; their two lovely daughters, Petra and Caitlin. It's a proud day for his friends, and it's a proud day for Pennsylvania.

Bob Graci loves the law. I'm sure everyone here in this room knows that, because you've seen Bob in action.

How could you not? The dedicated public servant, Bob has served as an attorney for state and federal law enforcement agencies, an assistant attorney general, special counsel to legislative committees, a deputy attorney general, an assistant executive deputy attorney general.

That service has led him to argue cases in state appellate courts; federal appellate courts; and, yes, even the U.S. Supreme Court.

His service and achievement calls to mind something that Thurgood Marshall once said, "We must never forget that the only real source of power that we as judges can tap is the respect of the people."

And Bob Graci has the respect of the people.

Friends, Bob Graci understood this long before he ever contemplated taking the bench. He has created a legacy of dedication and service to the law and Pennsylvania. That legacy has earned him the respect of his fellow Pennsylvanians, his fellow jurists and his governor.

That is why Bob Graci was Governor Schweiker's only choice to join the Superior Court. Congratulations, Bob.

(Applause)

PRESIDENT JUDGE DEL SOLE: We also have with us today a number of district attorneys who have worked with Bob over the years of his service in the Attorney General's Office and former district attorneys. Quite frankly, the list is too large and the room too difficult for me to see to recognize everyone. So I will thank them all for attending this ceremony with Bob. And I also note that the United States Attorney for the Middle District of Pennsylvania is here, Thomas Marino.

Bob has asked an old friend of his to administer the oath of office, but before we do that, we're going to have the presentation of the commission from the Governor as confirmed by the Senate to be read by Andrea F. McKenna, Esquire, Senior Deputy Attorney General. Miss McKenna.

MS. MCKENNA: This short document has made Bob's life-long dream come true. I'm very honored to present it to him today on behalf of all of my colleagues in the Office of Attorney General.

And it reads as follows: "Commonwealth of Pennsylvania, Governor's Office, Robert A. Graci, Esquire, of the County of Cumberland, in the Commonwealth of Pennsylvania, Greetings:

"Whereas, a vacancy has occurred for the office of Judge of the Superior Court; therefore, know ye that reposing a special trust and confidence in your prudence, integrity, and ability, and under authority of the constitution and laws of the said Commonwealth, in such case made and provided, I have nominated and by and with the advice and consent of two-thirds of all the members of the Senate, have appointed and do by these presents commission you to be Judge of the Superior Court.

"To have and to hold the said office, together with all the rights, powers and privileges thereunto belonging, or by law in anywise appertaining, until the first Monday of January 2004, if you shall so long behave yourself well and perform the duties required by law.

"This appointment to compute from June 28th, 2002. Given under my hand and the great seal of the City of Harrisburg, this 28th day of June, Anno Domini 2002, and the Commonwealth the 226."

And signed by the Governor and the Secretary of the Commonwealth.

(Applause)

PRESIDENT JUDGE DEL SOLE: Ladies and gentlemen, as I said, Judge Graci has asked his dear friend Judge John Cherry to administer the oath. And when the oath is administered, the Bible will be held by Bob and Shawn's daughters, Caitlin and Petra.

But Judge Cherry wants to exercise a little privilege and say a few remarks about Bob before he administers the oath, maybe to give Bob his last chance to back out. I'll ask Judge Cherry to come forward and then, Judge, when you're ready to administer the oath, please call Judge Graci forward. Thank you.

(Applause)

JUDGE CHERRY: Honorable members of the Superior Court, distinguished guests, family of Bob, and, of course, Bob, in 1988 I had the privilege—I should say in December of '87—of receiving a call from the General, General Zimmerman, who indicated that now Judge Lewis had lied enough to procure me a position as a Deputy Attorney General, having worked at that time with Judge Lewis when he was District Attorney.

I was so excited to call my father, the late Judge John A. Cherry, and indicated to him that I had received the position. And he didn't say anything about anyone but one person. He said, as was his way, "I can't remember his name—" and I haven't fallen far from that tree in my own age—"but there's a young Italian boy, brilliant, who argued a case in front of me when I was a visiting judge in Blair County. He is brilliant. You get away from everyone else and you go to him when you have a question because he'll steer you the right way."

Well, or course, that was Bob. And that began, as they say in Casablanca, a beautiful friendship.

And it has continued through all these years. And Bob and I have remained friends throughout our different courses, and confidants. I've called Bob many, many times for advice over the years. And it is that advice that has helped me keep the straight course.

When you look for a judge, you look—I believe most do—for these qualities, men and women that reflect the values of God and

family and country and duty and honor. And those terms define Bob Graci.

We are so fortunate to have Bob Graci as our newest member of the Superior Court.

(Applause)

And, I would ask everyone to please rise for the administration of the oath.

Bob Graci, are you prepared to take the oath of office?

JUDGE GRACI: I am, Your Honor.

JUDGE CHERRY: Please repeat after me. I do solemnly swear—

JUDGE GRACI: I do solemnly swear—

JUDGE CHERRY:— that I will support, defend, and obey—

JUDGE GRACI: — that I will support, defend and obey—

JUDGE CHERRY:—the Constitution of the United States of America—

JUDGE GRACI:— the Constitution of the United States of America—

JUDGE CHERRY:— and the Constitution of the Commonwealth of Pennsylvania—

JUDGE GRACI:— and the Constitution of the Commonwealth of Pennsylvania –

JUDGE CHERRY:— and I will discharge my duties—

JUDGE GRACI:— and I will discharge my duties—

JUDGE CHERRY:— as a Judge of the Superior Court with fidelity, so help me God.

JUDGE GRACI:— as a Judge of the Superior Court with fidelity, so help me God.

JUDGE CHERRY: Congratulations, Your Honor.

(Applause)

PRESIDENT JUDGE DEL SOLE: And now, Mrs. Graci will robe her husband.

(Applause)

JUDGE GRACI: Say hi to mom.

(Applause)

PRESIDENT JUDGE DEL SOLE: We welcome Judge Graci to the Court, and I understand he wants to say a few words.

JUDGE GRACI: May it please the Court—do I still have to say that? Old habits die hard.

President Judge Del Sole, esteemed colleagues of the Superior Court, General Fisher, General Zimmerman, Judge Cherry, Father Snyder, Dave Sanko, and Andrea McKenna, distinguished guests and friends all, thank you for taking the time to celebrate this wonderful event with my family and me. I'm honored and, quite frankly, overwhelmed by your presence.

The position to which I've long aspired, to serve as a member of the third branch of government, is not one that lends itself to acceptance speeches or inaugural addresses. I have no campaign promises to keep, other than faithful service and to behave myself well, as the commission demands.

I have no agenda to outline or fulfill, other than to apply the law fairly to the cases that come before me.

I assure you all that I will strive to carry out these responsibilities to the best of my ability so that when you look back on this day you will be proud to have celebrated this momentous occasion with me. I must say, though, having a captive audience, it's great to play to a full house, isn't it, Caitlin? The temptation to expound on something, anything, is great.

As some have occasionally noted, General and General, I'm rarely at a loss for words. But I'll control myself.

There are, however, many people who I must thank. One doesn't achieve such a high post as the one to which I've ascended without the help and prayers, Mom, of a great many people. I could never thank all the people who have helped me along the way, or we'll never get to the wonderful reception that's been planned.

I must, of necessity, be selective in my expressions of gratitude. In doing so, I mean no slight.

With that said, let me begin my thank-yous with my wonderful parents, Paul and Anne Graci.

I was blessed with a great mother and father. And I'm very happy that Mom's able to be here with us and share this day with us. And we all know that Dad is looking down and bragging about his son, Robert.

Before I graduated from law school, I was Bobby. But with a full

chest, Dad would introduce me to his friends only as Robert after I passed the bar.

Mom and Dad taught their three boys values that we would carry with us throughout our lives—love of God, love of family, love of country, honor, respect, the worth of hard work, and the importance of a good education.

Without their love, guidance, encouragement, and support, I doubt that I would be here today.

Thanks, Mom. And thanks, Dad.

To my brothers, Larry and Joe, thank you, too. They're both here today and I'm happy they are.

It's hard to quantify what we get from our siblings, but know that I think that I got a lot—friendship, guidance, love, and someone to play with. Just being you, you both helped mold me into what I am. Thank you, Larry, and thank you, Joe.

I'd also like to thank Shawn's parents and family. They have been very much a part of my life for a very long time.

Shawn told me when I first arrived at her house for our first date—which was my soph hop at Monsignor Bonner High School—her mother, Dolly, said he looks like a little boy. I was. I was only 15 years old.

I must honestly say that her father, Paul Montgomery, scared me to death. He was a 30-year Navy veteran, who reminded me of Archie Bunker. But first impressions are often wrong. And they were great people. They were wonderful in-laws and very supportive of my efforts. We lost them both this past year.

My appointment by the Governor came but a few days before Shawn's mom passed away. Shawn told her of my good fortune and we know she was proud, as her dad would be too.

They had a large influence on my life and my formation, as did Shawn's sister, Maureen, who's also with us today. Thanks to them and thanks to you, too, 'Reen.

Next I'd like to thank my beautiful girls, Petra and Caitlin. I can't tell you girls how proud I am of the both of you. You make me happier than I could ever adequately express.

My girls have been through a great deal over these past several years as I've sought this position. Traveling around the state on

campaign trips, suffering nights when their dad wasn't coming home, but never complaining and always being supportive.

Thanks to you, girls. I love you. And a special thanks to you, Cait, for making this such a wonderful day with your beautiful voice. And I'll say more about that in a minute.

I must thank those who participated in today's program. Carol Anderson, our pianist, thank you for playing so lovely today, and for all the help and encouragement that you've given our Caitlin over these many years. Your friendship means a great deal to me and Shawn.

Father Snyder, you've been a great friend to our family. Thank you for your inspirational words and for being such a wonderful pastor and friend. I could listen to you for hours, and not just when you're invoking God's grace and blessing on me and my endeavors.

Thank you, Andrea McKenna. You're a wonderful lawyer and a true friend. Thank you for all your help and kindness to my family and me for all these many years.

Andrea was the first of the many wonderful lawyers I hired for the criminal appeals section in the Attorney General's Office. I was blessed with a truly great staff, and I know many of them are here today.

It was their work that made me shine. And I say thank you to all of them as well.

My dear friend Judge Cherry. We, too, go back a long time. Thank you for being a part of this celebration and for all of your support over the years. There were times, you and I both know, when you acted while others merely talked.

Dave Sanko, thank you for filling in for Governor Schweiker today for your very kind words. Please tell His Excellency that I owe him a great debt. He made my professional dream come true. I will never forget that, and I will do my best to make him proud of his appointee.

And thank you personally, Dave, for all of your help through the appointment and confirmation process. I know that you played a substantial role.

And thanks, too to the members of the Senate for their unanimous confirmation vote. And I thank the Senators, Senator

Piccola and Senator Greenleaf who are here today, the majority whip and the chairman of the judiciary committee with whom I worked for so many years, for all their efforts on my behalf.

General Zimmerman, what can I possibly say. You've been there since the beginning. Some might properly say that you are indirectly responsible for all of this, or that it's your fault, depending on their perspective.

You brought me to Harrisburg so many years ago when I was still a young lawyer. You gave me an opportunity. I hope my service to you and the Office of the Attorney General over all these years is as much a source of pride to you as it is to me.

You were the first person, other than Shawn, in whom I confided my dream to some day serve as a Judge.

We both remember the sage counsel you gave me then and your words, and I quote, "In politics, it often comes down to luck and timing. The timing you have no control over. But sometimes you can make the luck."

Today my time has come and I feel very lucky. Thank you, Roy, for everything.

General Fisher, you, too, have been a great friend and supporter for a long time. When I campaigned, you were a great help to me and Shawn. She fondly remembers how, when she would be stumping for me, you would always make sure that she got a chance to address the crowd.

And when others balked, you expended political capital on my behalf without hesitation. And when you ascended to your current post, you brought me into your inner circle.

Like our first elected Attorney General, you, too, are a great A.G. You serve the people of the Commonwealth with distinction. I'm happy to call you General, and proud to call you friend. Thank you Mike.

I have but one final thank you. However, I must return for a minute to the songs I asked Caitlin to sing.

What, you might ask, do "O Chesate di Piagarme," "Summertime," and "O Mio Babino Caro" have to do with a judicial installation celebration?

And the simple answer is absolutely nothing. I just like to hear

Caitlin sing, and I love to hear her sing those songs. And from your applause, I think you do, too.

(Applause)

Music is and always has been a very important part of our family. Shawn's dad had a great voice. My mom sang on her own radio program in Philadelphia. And over the years, they've both taken credit for Cait's beautiful voice.

The credit, however, goes to Shawn. She, too, has a beautiful voice and has greatly encouraged Caitlin.

Shawn and I, as some of you know, met in a high school musical. We always enjoyed singing. A song made popular by Bette Midler says much of what I want to say to Shawn today.

The song is "Wind Beneath my Wings." The verse says, "Did you ever know that you're my hero, and everything I would like to be. I can fly higher than an Eagle, because you are the wind beneath my wings."

You are my hero, Pretty. You are the wind beneath my wings. Thank you for all you do for me and for helping me and never letting me get discouraged during this long quest. You've made me so very happy. I'm so glad you came into my life.

Thank you all again for sharing this wonderful day with me and my family. Please keep me in your prayers as I assume my new responsibilities.

God bless you and God bless America.

(Applause)

PRESIDENT JUDGE DEL SOLE: Ladies and gentlemen, the Superior Court of Pennsylvania is proud to welcome its newest member to the Court. We look forward to serving with Judge Graci during his term of office. We thank him for hosting such a beautiful performance with a warm and wonderful family. What a great lawyer to be on the bench. Judge, we welcome you. And with that, I'll ask the Court Crier to adjourn the Court.

MR. MORRISSEY: This very special session of the Superior Court of Pennsylvania is now adjourned.

(Session adjourned at 12:08 p.m.)

THE HONORABLE
SUSAN PEIKES GANTMAN



Assumed Office: February 17, 2004
County: Montgomery

INSTALLATION CEREMONY

Tuesday, February 17, 2004
10:30 a.m.

Montgomery County Courthouse
Courtroom A
Main and Swede Streets
Norristown, Pennsylvania

PROCEEDINGS

COURT CRIER: Your Honor, the Judges of the Court of Common Pleas of Pennsylvania. The Honorable Judges of the Federal District and Bankruptcy Courts of the United States. The Honorable Judges of the Supreme and Superior Courts of Pennsylvania.

Oyez Oyez Oyez. Let this ceremonial session for the Superior Court of the Commonwealth of Pennsylvania, President Judge

Joseph A. Del Sole presiding, come to order.

Let all manner of person arise and attend. Let the family, friends and associates of the Honorable Susan Peikes Gantman be joyful and the citizens of this Commonwealth be confident and sure, as the Superior Court convenes for administration to The Honorable Susan Peikes Gantman of the Oath of Office of the Superior Court of Pennsylvania.

God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE DEL SOLE: Be seated, everyone. Good morning. This time was a long time coming. We wondered and wondered, as I'm sure you and your family did, how the election would turn out. We're thankful that it did turn out the way it did, and we welcome you to the Superior Court of Pennsylvania.

For those of you in the audience who may not be aware, Judge Gantman did take the oath of Office privately because on the first Monday of January she started work and has been working ever since, has already sat in session and has set up her chambers. But this is a great day for you and for your family and for the members of the Superior Court of Pennsylvania, and we welcome you.

And I want to thank you, the Judges of the Court of Common Pleas of Montgomery County, for so graciously allowing us to use this beautiful ceremonial courtroom in order that this ceremony can be in the home town, the home county of the newest member of the Superior Court, and I would like to welcome and personally thank the President Judge of Montgomery County, Judge Corso. Your Honor?

JUDGE CORSO: Thank you, it's our pleasure.

PRESIDENT JUDGE DEL SOLE: At this time I would like to call upon Rabbi Neil Cooper for the invocation.

RABBI COOPER: Please rise. Tzedek Tzedek Tirdof: Justice, justice shall you pursue.

This short phrase encapsulates the central biblical commitment to create a just and fair society. But this phrase is a command. Justice is commanded because it does not come of its own accord. Justice comes only if actively pursued. Justice is achieved only after issues are seriously considered, after facts are examined with scrutiny, and after the complexities are carefully and deeply understood.

Justice can be won only when there is fidelity to law, when there is an unwavering commitment to truth, and when there exists the tenacity necessary to bring that truth to light.

Our God and God of our ancestors: On this day, as we honor and celebrate the election and installation of Susan Peikes Gantman to the position of Superior Court Judge, we are thankful for all that she has accomplished and confident of that which she shall yet achieve.

May God continue to grant to Susan Peikes Gantman wisdom and insight as she adjudicates fairly and honestly the laws of this land.

Grant Susan Peikes Gantman the insights needed to comprehend the complexities of the issues she shall hear. Grant her the discernment and clarity necessary to uncover the truths which too often become obscured.

May Susan Peikes Gantman listen with compassion to the victims whose voices cry out to her. May she be filled with mercy for those who approach her with contrite spirit. And may Susan Peikes Gantman be filled with strength and perseverance in order to pursue justice in all cases for all the people of this great land.

More than two thousand years ago Rabbi Shimon ben Gamliel said it this way: On Al Shlosah Devarim Ha Olam Omed. On three things does this world stand: On law, on truth, and on peace.

When judges stand with steadfast commitment to the law, when their judgments arrive only after discerning the truth, then, and only then, will we know peace. For, in the words of the Prophet Zachariah: "With truth and justice shall you judge: Then peace shall be known in your gates." Emet U'Mishpat Shalom Shifru B'She 'aray-chem.

May truth, justice and peace always be the hallmark of the career and life of Judge Susan Peikes Gantman. And let us say amen.

PRESIDENT JUDGE DEL SOLE: Please be seated. The members of this court know, both by reputation and by having had the opportunity over many years to observe her in the practice of law, we recognize that we are receiving an outstanding lawyer, an outstanding woman, and an outstanding mother and wife.

We understand and recognize her deep commitment to the issues involved with children. This is a very important aspect of the

work that this court does, and in that area and in that realm we are sure that she will bring a unique and highly intelligent insight which will assist us as we go about the important work of deciding those cases.

And she is joining the court that has offered service to the citizens of Pennsylvania for over a hundred years.

It is the busiest intermediate state appellate court in the United States. Last years there were over 8,100 appeals filed in this court, and over 5,200 decisions rendered by the panels of this court

We continue our effort to provide a disposition of cases well within ten months from when they're filed, and no intermediate appellate court in the United States exceeds that record.

We are quite proud of our work and our effort, and we are quite thankful and proud of our new colleague. We would like to welcome you, and we know that you will work well with us and hope that you will find that we work well with you.

I'd like to take a moment and ask the President Judge of the Montgomery County Court if he has any remarks that he would like to offer since he has had an opportunity over the years to observe our newest Judge in the practice of law. Judge Corso?

JUDGE CORSO: Well, thank you. Good morning. I want to also welcome everybody here. This is a very special day for Montgomery County.

It is a pleasure for us to have the Superior Court convene here in Court A, which is our ceremonial courtroom to administer the oath of office as a judge of the Superior Court to one of Montgomery County's finest, Susan Peikes Gantman.

Now, I've known Susan since she was admitted to the Bar in 1977. Since that time she has built a reputation not only as a gifted legal mind, advocate and practitioner, but as a truly pleasant person.

Her style has been typified by her personal integrity, warmth and sincerity. These wonderful characteristics have gained her credibility and stature in the often contentious domestic relations area.

She has enjoyed this stature not only from her clients, but from opposing counsel and their clients.

As was indicated to you, she has championed children and the

family since the very early years of her career. She has done this by practicing or placing a premium on negotiation and conciliation, not necessarily litigation to obtain an appropriate and just result.

We will miss her smiling face and presence in the courtrooms here in Montgomery County, but her legacy will endure and serve the practitioners of our Bar well as an example of how to practice law.

The Montgomery County family, the Board of Judges, elected officials, Bar Association and citizens of the County congratulate you on achieving one of your goals and ambitions. We know that you will distinguish yourself on the Superior Court as you did here. Congratulations.

PRESIDENT JUDGE DEL SOLE: Thank you, Your Honor. As part of the ceremonial session, it is appropriate to introduce many of the individuals who have come, dignitaries, and I have been provided with lists and I will during the course of this program try and introduce all those who are here.

However, I'm certain that I will not introduce everybody, so at the end of the program anybody that feels that they are so important that they should have been mentioned, let them come forward.

And due to my poor eyesight and bad memory, I may forget to say the name so that everybody here will know that they are present.

We have someone on the Supreme Court of Pennsylvania who will speak to you, Madame Justice Sandra Schultz Newman, who is also a Montgomery County resident. And we have a former Justice of the Supreme Court, Justice Bob Lamb, who is here. Actually, I know his name is Bill.

We have from the federal court the Honorable Anita Brody, the Honorable William Yohn and the Honorable Diane Welsh who are joining us here today.

From the Superior Court of Pennsylvania, I'll introduce our colleagues: To my left is Judge Kate Ford Elliott. In the front row, seated in the center is Judge Michael T. Joyce; to his right is Judge Correale Stevens, and to Judge Stevens' right is Judge Richard Klein.

To Judge Klein's right is Judge Seamus McCaffery. To Judge Joyce's left is Judge Maureen Lally-Green. To her left is Judge Mary Jane Bowes, and to Judge Bowes' left is Judge Jack Panella.

We have with us three of our senior judges: Judge Justin

Johnson, Judge Phyllis Beck, also from Montgomery County: and Judge Patrick Tamalia.

At this time I would like to call upon Madame Justice Sandra Schultz Newman for remarks. Justice?

JUSTICE NEWMAN: Thank you, President Judge Del Sole, and to all friends and family of Susan Gantman and to all our distinguished guests. I just want to say what a special day this is for us all, to say the least.

Susan excelled in her campaign and the voters really came to love her, and when we think that she was the only Republican out of the whole ticket that won and won by twenty-eight votes. And I am sure Alan Novak sent you twenty-eight roses. And I said to Alan, "Now, what would you have done if she won by 10,000 votes?"

I have to tell you: Susan was totally calm. She is always optimistic. She is always happy. I was more nervous for Susan that she was for herself.

Susan stopped by my office one day. Susan is like family because she's also a partner of my brother, or was a partner of my brother's, and we were in the same building, my chambers.

We were in the building, and she stopped by one day and she said "I just wanted to get your advice. I am going to run for the Court of Common Pleas."

And I said to her, "Susan, you know, there are three openings on the Superior Court. Why don't you go for one of those seats? The appellate court is so great. The jurisdictions's wonderful," and then I sang the praises of the Superior Court, whose opinions we read all the time, and they are scholarly and wonderful opinions.

And she said, "You know, I'm going to go home and talk to Lewis tonight and discuss it."

I got a call the next day and she said, "I'm running for the Superior Court," and the rest is history.

But I first met Susan when she was a student at Villanova Law School. And my doors have always been open to young women, but Susan came in and I immediately knew she was someone special.

She knew I was a family law practitioner, and I have to tell you Susan sent me a Challah, or she brought me a Challah that she had made. And as I said before, Lewis: You're so lucky. I never made my

husband a Challah, let alone any bread. But Susan exudes such warmth and deliciousness. It's the only word I can use.

I remember saying to Susan, when she was going campaigning, I said, "Susan, I know it's sincere, but I don't know if you should be as sweet as you really are because I don't know too many people, believe me, who are for real."

But we who know her and love her and are here today know that it's all for real: Susan is the warmest, most wonderful woman, devoted wife and mother to Stephanie and to John, and legal partner.

I see Pat O'Connor, who is going to be a speaker, and he's a very dear friend of mine, also. Susan is a wonderful partner of Cozen O'Connor and a daughter to Dr. and Mrs. Irwin Peikes.

And so she has been a shining star wherever she has gone. She was a distinguished lawyer, and I've already heard that you're a distinguished jurist. I just happened to spend the evening with Maureen Lally-Green last night and already got the scoop on what's going on in the court.

But when you run for judge in Pennsylvania, it is not as difficult as it was, but it's still difficult to tell voters what your stands are and what you believe in. And then they make you wear a black robe, the robe which is a cloth of abstinence.

And so many judges and justices get removed from the people and that was something I was determined I wouldn't do and I know Susan's never going to do that.

As a matter of fact, Susan has been wearing my robe until her robe is ready.

But, Susan, I say this to you, too, having been a family lawyer like you were. And now, as a matter of fact, our Supreme Court has two family justices: Justice Max Baer, who was just elected, was a Family Court Judge, and you, having—I think at this point you're probably the only one who was a family practitioner, like I was.

So, it's like President Judge Del Sole said, you bring something so very special to the court, just like I felt that I was bringing to the court.

I see so many of our fellow law practitioners in his room. You have a feeling for the children of the state, for what happens to them and a caring, and I just know that you are going to make a great mark

on family—in every area, but particularly in family law on the Superior Court.

Susan, I want to say God bless you and your beloved family. May your term of office be filled with good health and happiness.

And I know that our friendship will always be maintained because Susan now has her chambers in the same building where she practiced and where my chambers are.

There will be much fun together because many of your colleagues, those sitting right on the bench here, Kate Ford Elliott, President Judge Del Sole, are dear friends.

And so all you have to do is to look in front of you at the wonderful people that you have as your colleagues and the collegiality we will share and the good times you will have and the hard work that you will be doing.

And I just want to say God bless you.

JUDGE GANTMAN: Thank you.

PRESIDENT JUDGE DEL SOLE: Thank you, Madame Justice. I know that we have with us today the Judges of the Court of Common Pleas of Montgomery County. And, President Judge, would you like to introduce your colleagues?

JUDGE CORSO: Starting in the front of the courtroom we have Judge Moore, Judge Rossanese, Judge Ott, Judge Smyth, Judge Tressler, Judge Nicholas.

Going back across, we have Judge Carpenter, Judge Hodgson, Judge Daniele, Judge Albright, Judge Bertin, Judge DelRicci. We have Judge Drayer, Judge Barrett and Judge Tilson.

We have Judge Fitzgerald from Philadelphia. We have Judge Branca. We have Judge Dolbin from Schuylkill County and we have Senior Judge Vogel. We have Judge Rogers, Judge O'Neill and Judge Dickman.

PRESIDENT JUDGE DEL SOLE: Well done, Your Honor. Well done. I've also been told that Congressman Don Sherwood from the 10th Congressional District is here. Congressman, we thank you for coming.

I'd like now to call upon Patrick J. O'Connor, Esquire, president and CEO of Cozen O'Connor, for remarks.

MR. O'CONNOR: Well, I want to thank Susan, because this

is truly a lawyer's dream: To get the opportunity to speak in front of all these distinguished trial judges and appellate judges. All my life I've had the desire to have judicial ubiquity. I will forsake that opportunity now in honor of Susan.

We at Cozen O'Connor are honored to have had Susan Gantman as our esteemed partner for these past six years.

When Susan joined our law firm in 1998, we at the firm immediately became recognized as a firm with one of the most outstanding family law departments in the state.

In large measure, this was because of our dear Susan, who led that department as co-chair and was recognized in the Delaware Valley community as one of the outstanding family law practitioners.

But today I'm not here to attest to Susan's consummate legal skills; her many clients who came to her for her wise counsel are a much better testament to that.

More importantly, the people of the Commonwealth of Pennsylvania also have spoken, and they have chosen to elect her to a seat on the prestigious Superior Court of Pennsylvania. They recognized that she was different, and she is.

Susan Gantman, as you know, is a very warm and compassionate person who happened to be a lawyer. Equally important, she possesses excellent judgment and wisdom. This is a rare combination in the practice of law. We're going to miss those qualities in Susan at Cozen O'Connor, as will our clients.

However, the people of this great Commonwealth will be the beneficiaries of those great attributes which makes Susan Gantman so special.

We are so proud to have been your colleagues for these past six years. We salute you and congratulate you on becoming the first lawyer from Cozen O'Connor to serve on this prestigious state court.

I know that there will be others who will serve on the judiciary in the generations to come, but their paths to elective offices will have been made much easier by your shining example.

May God bless you, Susan, and your family, and may you have a long and distinguished career on the great Superior Court of Pennsylvania.

PRESIDENT JUDGE DEL SOLE: Thank you, Mr.

O'Connor.

One last thing about doing these presentations: You can address so many judges and you don't have to worry about getting reversed.

We have here today from the Superior Court staff our court administrator, Mitchell Gruner; our court prothonotary, David Szewczak; and we also have the head of our Information Technology Department, Charles Thrall.

We also have a number of elected officials from Montgomery County who are seated in the jury box: James Matthews, Chairman of Board of Commissioners; Thomas J. Ellis, Commissioner; Ruth Damsker, Commissioner; Jane P. Markley, Clerk of Courts; John B. Durante, sheriff.

And sheriff, may I complement you on the professionalism of all your officers who greeted us and worked with our court and court officers today. We thank you very much.

Colleen Alexander, Jury Commissioner; Frances Pierce, Register of Wills; Nancy Becker, Recorder of Deeds; Marie Cavanaugh, Jury Commissioner; and Bruce Castor, Jr., the District Attorney.

We thank you all for coming and being part of this special day for our new colleague, and we also thank you for allowing us to use this wonderful facility; it's quite lovely, and you should be quite proud of what you have here.

At this time I would like to call upon Lewis Gantman, Esquire, to present the commission of his wife to her appointment to the Superior Court.

MR. GANTMAN: Thank you, judge. Reading the Governor's Commission: "Whereas, it appears by the certificates and returns made according to law, of the election held on the fourth day of November Anno Domini, two thousand and three, that you have been duly elected Judge of the Superior Court in the Commonwealth of Pennsylvania.

"Therefore, Know Ye, That in conformity to the provisions of the Constitution and Laws of the same Commonwealth, in such cases made and provided, I do by these presents commission you to be a Judge of the Superior Court of the Commonwealth of

Pennsylvania, First Priority of Commission.

“To Have and To Hold the said office, together with all the rights, powers and emoluments thereunto belonging or by law in anywise appertaining for term of ten years to be computed from the first Monday of January, two thousand and four, if you shall so long behave yourself well.”

“Given under my hand and the Great Seal of the State, at the City of Harrisburg, the second day of January in the year of our Lord, two thousand and four, and of the Commonwealth the two hundred and twenty-eighth.”

Signed, Edward G. Rendell, Governor; Pedro G. Cortez, Secretary of the Commonwealth.

PRESIDENT JUDGE DEL SOLE: For the benefit particularly of the children, they don't get to determine whether you behave yourself. It's your colleagues and system who makes that determination.

This is the time for the giving of the ceremonial oath of office to our newest colleague, and I would ask Susan Gantman to stop forward. I would ask everyone to please rise.

Your Honor, would you raise your right hand and repeat after me?

I, Susan Peikes Gantman, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania, and that I will discharge the duties of my office with fidelity.

Congratulations, Your Honor.

I'd ask everyone to be seated. At this time her husband Lewis, her son Jon, her daughter Stephanie and her parents, Dr. and Mrs. Peikes, will present the robe.

You may be seated.

JUDGE GANTMAN: President Judge Joseph Del Sole; our host, President Judge Corso, Madame Justice Sandra Schultz Newman, distinguished colleagues, noted speakers, members of the Bench and the Bar, family and friends, everybody: I want to thank you for joining me today as I commence my judicial service.

I started this quest thirty years ago when I attended Villanova University School of Law with the hope that I would make a

difference.

Little did I realize that I would someday be on the Superior Court. So many individuals have helped me during my legal career to realize this dream, and I wanted to take a few minutes to mention them and to thank them.

The early '70s was a time of change in the legal profession. There were very few practicing female attorneys, and very few role models.

While I was a law student, many of the judges and the county officials were not quite used to these young "girls" who were in the courtroom, and I had the opportunity to meet with Judge Drayer. Judge Drayer was Chief of Appeals of the Public Defender's Office and how fitting it is that I commenced my legal career writing briefs for the Superior Court.

That summer I applied to be an intern in the District Attorney's Office, and Judge Nicolas, who was then the DA at the time, hired three young female summer interns.

We had an opportunity to work in the office, and at that time I realized the complexity of the court system.

I mentioned to Judge Nicolas, then a DA, that I wanted to apply for a clerkship. There was only one woman who was a clerk in Montgomery County at that time, and there was a tremendous amount of discussion between all of my colleagues and my friends.

Stan Ott was an assistant district attorney at the time, and Judge Nicholas spoke with President Judge Richard S. Lowe and convinced him to hire me.

It was due to that lobbying that Judge Lowe, who was President Judge of Montgomery County, decided to take a risk and hired me as his first female law clerk.

He had tremendous trepidation about hiring a young woman. I did not consider myself a pioneer at that time, but it was an interesting year.

While I was in law school I had a great opportunity to meet my mentor, my friend and outstanding jurist, Madame Justice Sandra Schultz Newman. How fortunate for me.

Madame Justice Newman served as a role model and as a stunning example of excellence. I deeply cherish our friendship and

respect the work that you have done as a trailblazer.

As a young assistant district attorney, I worked with Judge Nicholas, Ross Weiss, Judge Ott, Judge Smythe and Judge Tressler. During these years I realized I wanted to become a judge.

I went into private practice and was blessed with outstanding partners. I worked with Peirce Anderson, whose wisdom and knowledge was exemplary. I joined the law firm of Sherr, Joffe & Zuckerman, and then I had the privilege of being a senior member of the distinguished law firm of Cozen O'Connor.

I want to thank Steve Cozen, Pat O'Connor, Tad Decker, Joe Gerber, Fred Jacoby, Ross Weiss, Cheryl Sattin and all my colleagues and partners for their generosity, encouragement, humor and brilliance. Their training, their expertise, their friendship and their support have been incredible.

During my political year I worked with some of the great political minds of the Commonwealth and I want to thank them for their support.

Bob Asher has been a long-standing mentor and advisor, for which I'm appreciative.

Thank you to Alan Novak, Eileen Melvin, Chairman and Vice-Chairman of the Republican State Committee and all the members of the Republican State and Montgomery County Committees for their support.

I also want to thank Grainger and Sandra Bowman, Judge Palmer Dolbin and my campaign committee: Parker Wilson, Lewis Gould, Paul Bartle, Keith Naughton, Ross Weiss, Roseanne Christopher, Kate Dunn, Cheryl Winberg and Marian Levering. You're the best.

Finally, as many of you know, the election was not officially completed for many weeks after November 4th, and I want to acknowledge and thank my superb legal team and their assistants, Lawrence Tabas, Dorothy Claeys, David Porter, Ron Hicks, Chad Saylor, Dan Hayward and Mike DeVanney.

And I want to thank all of you for not asking me what the vote count was.

When I started my judicial campaign I was an attorney from Norristown. As I traveled throughout the state and met many

wonderful, talented people, I embraced the entire Commonwealth, and today I am no longer just a citizen of Montgomery County. I am a citizen of Pennsylvania.

I want to thank my family, who became so involved in this campaign. Through their love and support, they made the campaign a little easier; my parents, Thelma and Irwin Peikes; my sisters and their husbands and families, Debby Peikes, Judy and Steve Chesnick, Rebecca Kohn, Carol Gantman and Debbie and Jonah Levin.

I want to thank Cory and Stan Schneider, who became my adopted family in Harrisburg.

My children traveled with me and provided me with tremendous support. Stephanie and Jon Gantman, you are extraordinary.

Most importantly, I say that to my husband, Lewis Gantman, who also sacrificed so much for me during this campaign; You're my best friend, an outstanding strategist and an incredible human being. I could not have done this without you. I love you.

The Bible tells us that a judge must be fair and impartial. The Bible proceeds to explain judicial responsibility by discussing how one deals with fire: If one comes too close to fire, you can be burned. But if one strays too far from the fire, you will be cold. The art of making fair judgments, the Rabbis teach, is to determine the right distance to stand from the fire.

There are three significant rules for making judgments: Listen carefully to those with conflicting views; do not show partiality when rendering a position; fear no one when rendering a decision.

My goal is to remain impartial, examining each case with a fair and thoughtful analysis, and render a prompt and reasoned decision with my colleagues. I will work to build consensus.

I am excited about dealing with my colleagues on the bench. I will leave no room for prejudice or prejudgment. This will allow me to find the right distance.

I appreciate the support, the friendship and the love which you have demonstrated to me and humbly accept the responsibility you have entrusted to me.

I commit to you today that I will honor the duties of this high office to pursue justice and to protect the Constitution.

In the thoughtful words of the Prophet Micha, I will do justice, love mercy, and walk humbly with God.

President Judge Del Sole, President Gantman—Judge Gantman is ready for service.

PRESIDENT JUDGE DEL SOLE: Unless you know something that I don't know, we don't select a new President Judge until sometime at the end of next year.

We welcome you to the court, and you are serving with a distinguished group of colleagues, all of whom will lend every opportunity to help make this transition for you from being a practitioner to a judge of this court.

This is one of the few institutions of which I am aware where all of your colleagues are vitally interested in your success, because your success makes all of our jobs easier and makes the performance of our duties for the benefit of the citizens of the Commonwealth that much more successful.

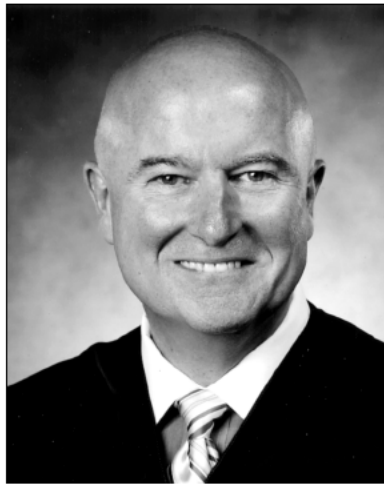
Your Honor, we welcome you to the court, and we look forward to working with you for the remainder of your term

JUDGE GANTMAN: Thank you.

PRESIDENT JUDGE DEL SOLE: Do we have anything else before we close?

COURT CRIER: No, Your Honor.

PRESIDENT JUDGE DEL SOLE: With that, this special session of the Superior Court is now adjourned. Thank you all for coming.

THE HONORABLE SEAMUS P. MCCAFFERY

*June 3, 1950 –
Assumed Office: January 2, 2004
County: Philadelphia*

INSTALLATION CEREMONY

**ADMINISTRATION OF THE OATH OF OFFICE
TO THE HONORABLE SEAMUS P. MCCAFFERY
AS JUDGE OF THE SUPERIOR COURT
COMMONWEALTH OF PENNSYLVANIA**

Friday, January 2, 2004
9:00 a.m.
City Hall
Philadelphia, Pennsylvania

SWEARING-IN CEREMONY

The CRIER: Your Honor, the Judges of the Supreme and the Superior Courts of Pennsylvania, let this ceremonial session of the Superior Court of the Commonwealth of Pennsylvania, President Judge Joseph A. Del Sole presiding, come to order.

Let all manner of person rise and attend. Let the family,

friends, and associates of the Honorable Seamus P. McCaffery be joyful, and the citizens of this Commonwealth be confident and assured as the Superior Court convenes for our administration to Seamus P. McCaffery, of the oath of office of the Superior Court of Pennsylvania.

God save the Commonwealth and this Superior Court.

PRESIDENT JUDGE DEL SOLE: Good Morning. This is a very joyous day for our inductee, Judge McCaffery, and for the family and friends of Judge McCaffery.

I want to take a brief moment to introduce the members of the bench who are here today.

Immediately to my left is Madame Justice Sandra Schultz Newman of the Pennsylvania Supreme Court, and to my right is what is affectionately referred to as the “Junior Justice” of the Pennsylvania Supreme Court, Justice Max Baer.

And joining me today on the bench are the new colleagues of Judge McCaffery, and I am going to tell you their names, Judge Michael Joyce, Judge Musmanno, Judge Mary Jane Bowes, Judge Robert Graci, Judge Phyllis Beck, Judge Patrick Tamilia and Judge James Cavanaugh, and the Judges of this Court have traveled from Erie, Chester County, Montgomery County, and Allegheny County to be here and join with Judge McCaffery on his very special day.

I am sure all of you have been interested in watching the play out of the contest for the final seat on the Superior Court, and there are those of us who believe that that contest has ended today, but we are not sure.

We have been trying to get hold of the Department of State this morning in order to confirm that all of the commissions have been issued, but under any circumstance, we know that Judge McCaffery has won this election, and we are going through with the ceremonial service today.

And I also know that if the commissions are not finally issued, we have requested the Supreme Court of Pennsylvania to specially assign both Judge McCaffery and Judge Panella to the Superior Court starting Monday, so he is not going to escape his workload under any circumstances. He is not going to be in limbo. He will be working as a Judge on the Superior Court come Monday morning.

With that I am going to take a moment and ask the new Justice, Justice Baer, who campaigned with Judge McCaffery, to offer a few remarks, and then we will have the invocation.

Justice?

JUSTICE BAER: Thank you. This is my first opportunity since my swearing-in last Friday morning to act in the capacity of a Supreme Court Justice, and to be sitting beside two great judges, Sandra Schultz Newman and Joe Del Sole, is a distinct honor for me, and I continue to pinch myself that I am here and involved at all.

Will Rogers was asked what political party he belonged to. He said I don't belong to a political party, I am a Democrat, and there's some truth to that.

We, as a party, are not overly organized, do not always stand unified, do not help one another sometimes the way the loyal opposition does, and the results can be telling.

About fifty weeks ago, I showed up at the Democratic State Committee meeting to announce my candidacy for the Supreme Court. I spoke first, and there was this fellow, arms folded, supremely confident, in the back corner of the room eyeballing me, and he didn't know whether he was going to run for Supreme Court, Superior Court, or maybe both. He lacks not for confidence, right Seamus?

And I got up, and I started to go through my spiel for the first time, and I said, do you know the only night Court in Pennsylvania? And from the back of the room I hear, "The Philadelphia Nuisance Night Court."

Well, I was referring to family court, so I eyeballed him and he eyeballed me. At the end of the speech, for the first time in fourteen years, I suppose, I called myself the fighting judge.

As soon as I am done, who saunters forward and says, "Do you want to go a round?" My voice shaking, I said you got it, after this is over.

Well, from that beginning and I enjoyed that, I enjoyed the twinkle in his eye. I enjoyed the fighting spirit. I enjoyed a special person who had confidence in himself, confidence in his abilities, and who was willing to obviously mix it up.

From that beginning, we became the best of friends, and I come from Pittsburgh, as most of you know, and, of course, Seamus

is from Philadelphia, and in order to prevail in the election as a candidate in the Democratic Party, you need to prevail in those two venues, and they are both tough places.

Most of the people who come from Allegheny County have never been to Philadelphia, but they're sure they hate it anyway.

In fact, Seamus scolded me once because I continued to introduce him as the great Judge from Philadelphia County. He said, just say the East, not Philadelphia County.

But he had my back over here. I would not be sitting here if it was not for him, and together with Carmella Mullen, who is one of the greatest campaign workers I have ever seen, with Seamus in Pittsburgh, I did all I could there, and we worked together. So we worked together through thick, through thin, through good times and bad times.

Honestly, on election night, I was as worried about Seamus's votes as I was about mine, because I didn't want to let him down. I wanted him to win, and I felt personally proud when he ran well in Allegheny County.

So here we now sit. We talked about this last summer, on the deck of his beach house in North Wildwood, sort of imagining what it would be like to both be out there with our laptops and a beer, working on our briefs instead of being in our offices, and it was a dream, but dreams do come true if you work together, if you care, if you are loyal, if you are one.

And I am proud to call Seamus my friend. I am proud to call him a colleague, and I am so proud to be here today to watch him become a Judge of the Superior Court.

Way to go, Seamus.

PRESIDENT JUDGE DEL SOLE: Thank you, Mr. Justice. I would now like to call upon the Reverend Dr. Robert P. Shine, Sr. for the invocation.

Reverend?

REVEREND SHINE: Mr. Justice Del Sole, Mr. Justice Baer, Madame Justice who sits upon this bench, Officers of the Court, distinguished members of the Bench, representatives of this nation's great legal system of jurisprudence, ladies and gentlemen, witnesses of this momentous day of Investiture in the life of Judge Seamus Patrick

McCaffery, I am honored to be asked to invoke the blessings of Almighty God on behalf of Judge McCaffery.

Let us pray.

Our Father and our God, we open now our very souls before Thee, for something within us believes and craves for right and righteousness. We thank you for all that God has done for us, for the way Thou hast preserved this nation through every crisis when dark portents favored unwelcome predictions, yet in Thy mercy the fury of every tempest has been mitigated, and a distilling calm has followed each perilous swell of the boisterous storms. And Thy blessings of the Lord have kept America's flag – we firmly and fondly believe: -- wafting on the mast of the citadel of this Democracy.

By Thy goodness to us, we comfort ourselves in the belief that there is a future of peace and prosperity within our borders, and of our influence for good among the nations of the world, for Americans, and for all of America's people.

For this we give Thee thanks! For family and friends and the fulfillment of our lives' dreams and purposes, above all, for Jesus Thy son, our Lord.

We lift now before Thee in a special way, those that sit among the bench of the courts of Justice as guardians of the covenant – the Constitution of this great land. We seek Thy favor, Thy counsel and Thy wisdom, upon each of them as representative of justice and You, the Eternal God and the eternal good. For they are more immediately Thy servants, more than any other who manage the affairs of a nation, a state, a city.

We now lift before Thee, this chosen one of the people, and the very same one that Providence has ordained, should, in the course of the history of this Commonwealth, come to this high post and privilege to sit as the 91st Judge of the Pennsylvania Superior Court – Judge Seamus McCaffery. You are to be blessed, he to sit upon this bench: And we pray that justice and righteousness shall be the rule, according to Your unchanging standard of law.

We pray that You will so bless Judge McCaffery, that his court transcend the passions of the day, and bring about a law and order which judges all justly and impartially.

Consecrate him to Thy purposes, that he might see Thy way

and have power to do Thy work, as a minister of justice. Lord, initiate him into the secret which enabled wise men of all good faith complexities of their time with inexhaustible spiritual resources that he might “handle matters wisely”. (Proverbs 16:20).

I pray the Lord to bless him, Thy blessings of health, Thy blessings of honor and humor. Bestow upon him Thy blessings of wisdom, guidance, and courage. Bestow upon him Thy blessings of insight, intuition, and interposition.

Bless his wife and family? Bless all who are here? And bless this Judicial branch of government for Jesus’ sake!

Let the words my mouth uttered be heard, that the thoughts we think with our hearts be acceptable in Thy sight, O Lord, our strength, and our Redeemer, our creator, it is in our Lord’s name that we ask these mercies for Judge Seamus Patrick McCaffery.

Amen!

PRESIDENT JUDGE DEL SOLE: Thank you, Reverend Shine.

Judge McCaffery, today you join a court that has over a century of service to the citizens of the Commonwealth of Pennsylvania, and the men and women who have preceded you and the men and women with whom you will now serve are here today to welcome to you to this institution, and we pride ourselves on our effort.

We are the busiest intermediate appellate court in the United States per capita, with over eight-five hundred appeals filed a years. Last year, and for I don’t know how many years in a row, we have filed over five thousand decisions on this Court, and that’s with fifteen commissioned judges and eight senior judges. So you are coming to a very hard-working and busy court.

We know that we are receiving a hard-working and busy person. You were born in Ireland, an immigrant to this country, the great American dream.

After high school, your time in the Police Department of Philadelphia, and while there, going to night school and getting your undergraduate degree and continuing on and getting your law degree, it speaks volumes of your commitment to public service, your hard work, and your love of education.

You were the first retired police officer of Philadelphia to be

elected to a trial court in this City, and you have risen to the rank of Colonel in the United States Military Service, and you have dedicated your life to protecting this country, and for that we are grateful.

As a member of the Philadelphia Municipal Court, you are the first-line court, and you join two colleagues on this court who, in their respective counties, were first-line jurists, Judge Musmanno and Judge Bender, who began their judicial services as District Justices.

But there's also another thing that a couple of us are very happy about, that's Judge Joyce and myself. You are a Harley rider like we are, and we are looking forward to the day when the three of us can have a panel session sitting on our bikes somewhere in beautiful Pennsylvania.

I note that in the audience is President Judge Louis Presentza, Municipal Court of Philadelphia, your immediate supervising Judge, and I also want to thank Judge Presentza for the kindness that he and the Municipal Court have extended to us with regard to space requirements for Judge McCaffery.

The uncertainty of the finality of the election for the third judge for this Court has delayed the issuance of commissions. We think that's all going to be resolved.

Judge Presentza was very gracious in allowing us to continue to use some additional space in Municipal Court. For that we thank you.

I see some other judges here, Judge Beryl Schiller, a former colleague or ours, and now on the United States District Court. I tried to give you a promotion, Beryl, but I couldn't do it.

Jonathan Saidel, the City Controller is here, Teresa Forcier, State Representative, Cal Shields, counsel for the Lieutenant Governor, the Honorable Mark Bernstein, Judge of the Court of Common Pleas, Alan Butkovitz, State Representative, John Dougherty from the IBEW, the Honorable Alan Silberstein from the Municipal Court of Philadelphia, the Honorable Harvey Robbins, the Honorable Jeffrey Minehart, the Honorable Georganne Daher, the Honorable James DeLeon, and Judge Matthews are here.

If I have missed anyone else and you're important enough to be introduced, please stand up and we will recognize you. Otherwise, we are going to proceed with the program.

At this point I call upon the Honorable Ronald B. Merriweather from the Philadelphia Municipal Court for some reflections and comments. Thank you.

Judge?

JUDGE MERRIWEATHER: Distinguished Jurists, members of the judiciary of all levels of the Commonwealth of Pennsylvania, elected and appointed officials, City and State, Federal and Government agencies, representatives from the same, ladies and gentlemen, Good Afternoon.

It is indeed an honor and a privilege for me to have this opportunity to participate in this momentous occasion. I hope when I am finished, Judge McCaffery, you will be glad you asked me to do so.

Before I begin, however, I think there is something I must do. I promised a guy outside, Judge McCaffery, on the northeast corner, when I was coming in. He was dressed in green, and he asked me to read this, and I said I would do so, so with your permission, sir, I would like to do just that.

It reads as follows: Dear Judge McCaffery, we are glad to see you leave the Philadelphia Municipal Court. Good luck in your new venue, Joe Blow, President 7th level, Vet Stadium, also known as the Linc Field.

Ladies and gentlemen, for the past eight years, I have had the privilege and, indeed, the pleasure to serve with Seamus as a Municipal Court Judge.

During this time, I found Seamus to be a highly-responsible, motivated person in any and all of his endeavors. He possesses that rare ability to relate to people of all walks of life without distinction or rank or position.

He has the ability to understand their problems and find potential solutions with respect thereto without losing sight of goals and objectives.

I am extremely impressed with Seamus's unfailing attention to detail, regardless of the simplicity or complexity of the subject matter.

His ready devotion of time and energy have been actuated solely by his desire to advance the best interests of the judiciary in every way possible.

These qualities have earned for him the admiration and respect of all his judicial sisters and brothers.

Today, the induction of Seamus as the 91st Pennsylvania Superior Court Judge is an honor which not only reflects luster on his reputation, but adds to the prestige and credit of the Philadelphia Municipal Court. His knowledge, wise counsel and advice will indeed be sorely missed.

Seamus, for the future, your election to the Pennsylvania Superior Court will enable you to speak and act with more certitude and authority. May I caution you, however, there are some dangers with respect thereto.

You know, currently America is in the throes of a scare, a mad cow scare. Let me advise you, Seamus, of what I consider to be a danger for those of us who dare take on the responsibility of a judge, and, in particular, a Pennsylvania Superior Court Judge.

There's a big disease with respect to that. It's called "Robitis". In other words, my brother, don't forget where you came from. I am certain you won't.

In closing, Seamus, please accept my sincere, hearty good wishes for a long enjoyment of this honor which you so richly deserve.

Finally, Seamus, my friend, may God bless you, and may you prosper, and may all your good intentions be crowned with success. Thank you.

PRESIDENT JUDGE DEL SOLE: Thank you, Judge Merriweather. Thank you. I note that the District Attorney of Philadelphia, Lynn Abraham, is with us today, and District Attorney, thank you for sharing in this day with Judge McCaffery and his family.

Two of our colleagues have expressed their regrets. Judge Johnson couldn't make it, and Judge Steven's wife broke her foot just a day or so ago so he is not able to make it here today.

As I said before, normally by January 2nd of the year following the election, we have the commissions. In fact, when we pick up and start working with the successful candidates and selecting a date for an installation, one of the things we consider is having the commission in hand, and normally the commissions are out well

before December 20th.

Now, Seamus, as you recall, since you were at Justice Baer's installation, he's so important that the Governor brought his commission, but on the Superior Court, you know, we are still waiting for a fax, but what we are going to do is have Lise Rapaport, Esquire, who is pretty well-known to Seamus, present the commission as it would read if it were issued and we had it with us.

MS. RAPAPORT: Thank you. Madame Justice, Mr. Justice, President Judge Del Sole, members of my husband's, your old court, his new court, the best family in the whole world, with the newest addition, Morgan Elizabeth McCaffery, all the people who are here, Congressman Bob Brady, nice to see you, sir, it is incredibly my pleasure to read the following from the Commonwealth of Pennsylvania Governor's Office:

Seamus Patrick McCaffery of the County of Philadelphia in the Commonwealth of Pennsylvania, greetings: Whereas, it appears by the certificate and returns made according to law, of the election held on the fourth day of November, Anno Domini, two thousand and three, that you have been duly elected Judge of the Superior Court in the Commonwealth of Pennsylvania.

Therefore, Know Ye, that in the conformity to the provision of the Constitution and laws of the said Commonwealth, in such case made and provided, I do by these presents commission you to be a Judge of the Superior Court of the Commonwealth of Pennsylvania, Second Priority of Commission.

To have and to hold the said office together with all the rights, powers, and emoluments thereunto belonging or by law in anywise appertaining, for the term of ten years to be computed from the first Monday of January, two thousand and four, if you shall so long behave yourself well.

Given under my hand and great seal of the State, at the City of Harrisburg, this, we're not sure day, of perhaps January, in the year of our Lord, two thousand and four, and of the Commonwealth the two hundred and twenty-ninth, Edward G. Rendell, Governor, by the Governor, Pedro A. Cortes, Secretary of the Commonwealth.

PRESIDENT JUDGE DEL SOLE: Well, I hope we will have the commission today or tomorrow, Monday at the latest, but we will

have Judge McCaffery working on Monday under any circumstances. We know that for a fact.

I am now going to call upon Judge McCaffery's good friend and a new colleague of the Supreme Court Justices, Junior Justice, as the chief always refers to you, Justice Max Baer, to administer the oath.

JUSTICE BAER: Seamus, come up front.

I ask everyone to please rise. Lise, come up for a second. Seamus, put your right hand on the Bible, and raise your left hand and repeat after me:

I, Seamus Patrick McCaffery.

JUDGE MCCAFFERY: I Seamus Patrick McCaffery.

JUSTICE BAER: Solemnly swear.

JUDGE MCCAFFERY: Solemnly swear.

JUSTICE BAER: That I will defend.

JUDGE MCCAFFERY: That I will defend.

JUSTICE BAER: The Constitution of the United States.

JUDGE MCCAFFERY: The Constitution of the United States.

JUSTICE BAER: And the Constitution of the Commonwealth of Pennsylvania.

JUDGE MCCAFFERY: And the Constitution of the Commonwealth of Pennsylvania.

JUSTICE BAER: And that I will discharge the duties of my office.

JUDGE MCCAFFERY: And that I will discharge the duties of my office.

JUSTICE BAER: As a Judge of the Superior Court of Pennsylvania.

JUDGE MCCAFFERY: As a Judge of the Superior Court of Pennsylvania.

JUSTICE BAER: With fidelity.

JUDGE MCCAFFERY: With fidelity.

JUSTICE BAER: So help me God.

JUDGE MCCAFFERY: So help me God.

JUSTICE BAER: Congratulations, Judge McCaffery.

PRESIDENT JUDGE DEL SOLE: Please be seated

everyone. And, now, to robe Judge McCaffery for his new position are his parents, Mr. and Mrs. Seamus McCaffery, Sr.

Mr. and Mrs. McCaffery?

ROBING CEREMONY

And, Judge McCaffery, if you will please come up and join your colleagues on the bench.

Now, I have in the past commented at various installation ceremonies. It's a funny thing about service on the Superior Court of Pennsylvania, it generally turns the hair of all the men white and all the women blond, but I don't know what we are going to do with Judge McCaffery.

I also want to take a moment, please, as a matter of personal interest for our colleagues on the Court, to recognize one of our colleagues, Judge Robert Graci, who will be finishing his service at midnight on Sunday.

Judge Graci served with distinction on this Court since his appointment over a year and a half ago. He has been a wonderful colleague, a true friend, and we wish him well in everything that he does in the future. Bob, congratulations on whatever you do.

And now I have the privilege of asking to come up and make some remarks the Honorable Robert A. Brady, United States Congressman, and I believe he has some political position here in Philadelphia.

CONGRESSMAN BRADY: Thank you, Your Honors of the Supreme Court, Superior Court, Municipal Court, Commonwealth Court, this is probably the 2nd best day that I have been at, the swearing in of my brother, Seamus McCaffery. My real brother, Frank Brady, is a Municipal Court Judge also, but to all the friends and the family there are only three people that have to put up with Seamus more than me, and I have to give them a hug.

You know, Justice Baer mentioned the shore house, and those of you who do know I am not too far away from Seamus down the shore, you need to know about the hard work that he put in—I saw him two days. He spent two days at that house down the shore through the last summer, and both of them were at fundraising or political events, so he was working, and working hard.

He is the epitome of hard work. Nobody, nobody can outwork

Seamus McCaffery, and there is a friendship there. I mean, I have acquired that friendship, we have acquired that friendship for each other many years ago when he wanted to run for, I think it was Pope at the time.

He never missed an election to run for something, but he wanted to become a judge, and he knew what he had to do in order to be successful in having that happen, and that friendship is binding.

He rose to authority as the Administrative Judge of Municipal Court, and he has never made a move, he has never done any of that without touching base with me, talking to me, and asking me what I thought would happen, so I can't feel any closer to a judge if I was sitting up there myself. And Seamus has three things, and the most important three things of anybody's life, and that is loyalty, loyalty, and loyalty, and you all know that out there, and Judges of the Superior Court, you are going to be shocked.

I know you are all hard-working. I see how stern you look up there, but you are going to be surprised at the amount of energy that this young man has and what he will bring to your bench.

He is without question one of the finest people I have ever met, and, as all of you know, this courtroom could have been filled ten times over, you know, for Seamus, because he has that ability to touch the common people. And, Judges, whoever said that he would not ever forget where he came from, from the City of Philadelphia was right, because he loves where he came from, and he loves the city of Philadelphia as all of us do, so it's to the benefit of your Court that you have a fine gentleman.

It's been my pleasure also to be a part of the Junior Supreme Court Justice's getting elected. I would like to, I know an attorney has to ask to approach the bench, but when you are in Philadelphia, Philadelphia chambers, you just approach the bench. I don't need any permission.

It is my pleasure to present the two flags which were flown over the United States Capital in their honor, and the honor and hope you put in his office, Supreme Court Justice Max Baer, and Superior Court Judge Seamus Patrick McCaffery, soon to be Supreme Court Justice Seamus McCaffery.

PRESIDENT JUDGE DEL SOLE: Thank you,

Congressman.

As you know, Judge McCaffery's parents are here, and I will tell you that one of the reasons why today, and in fact the main reason why today was selected early on after the election for the installation date for Judge McCaffery, was because his parents are going to be leaving soon for Florida, and Judge McCaffery wanted to do this at a time when they can be here. And I note also that Morgan Elizabeth is here, and we have four generations of the McCaffery family here today.

As Judge McCaffery begins his new duties, Mr. Congressman, I will tell you, there is no vacancy on the Supreme Court in the foreseeable future unless you can prevail upon Justice Newman not to seek retention, but I doubt that that will happen.

And, also, for many of you, you are going to find that if you liked Judge McCaffery having been out there as an active participant in your community, he can still do so, but at a different level.

He is now on the Superior Court of Pennsylvania, and it's like going into a monastery, so to speak. It's a much less active life, in a sense, as a judge.

As a trial judge he is engaged with a lot of people, he handles a lot of people, and certainly he has done a lot as a member of the Municipal Court of Philadelphia.

And one of the things that happened to me when I left the trial bench and went on the Superior Court, I thought I retired. The phone does not ring, nobody comes to see you, you don't see people, except on occasion your colleagues when you are in session, so it is a different lifestyle, and I am sure he will welcome it, and it will give him an opportunity for reflection and to do the work that will be required of him in his new position, so we welcome you, Judge, to the bench, and we know that you will serve the bench and the people with pride.

I am told that Mayor Street has just arrived.

Mayor, we welcome you to this ceremony, and we thank you for coming.

I think the Mayor would like to say a few words.

MAYOR STREET: Good afternoon. I have a surprise announcement to make. I am having a great day, but no one is having

a greater day than Judge McCaffery. Where is he? Up there. Thank you, Sir.

Let me tell you something, he is a great Philadelphian. You hear me? A great Philadelphian.

And I guess the thing I like about him most is he's real. You hear me? He's real.

He's a man who rides a motorcycle, but you know what, he is also a person that will sit in drug court and neighborhoods night and day. He is down at the stadium working night and day, and I feel like a real, regular, every-day God-fearing Philadelphian is now on one of our most important Courts.

That's important to me, and it was important to the voters of this City, and we are very, very grateful.

And to all the members of our distinguished Court, Superior Court, and Supreme Court, we know that you have a wonderful, wonderful new member in your midst, and he is going to bring a sense of community, a sense of purpose, and a real-world view of this City and this Commonwealth to your deliberations, and as a lawyer and as a person who has appeared in all of these Courts, that's very important to all of us.

It's important to us that we have someone from Philadelphia on these Courts. Can I get an Amen?

THE AUDIENCE: Amen.

MAYOR STREET: And I am just so pleased to be here with my Congressman, Congressman Brady, and Reverend Shine, who, during the course of the last election, probably made the greatest line that I have heard in all of the election when he said, "bring your soul to the poll."

He will go down in history as having said something that was very special to all of us.

I am just proud to be here. I am proud to be a Philadelphian, and I am proud to be associated with all of these wonderful members of the Court, our District Attorney, our City Comptroller, and our representatives who are all here, and I know the Judge's family is proud, at least this must be all the family.

How about a hand for the family?

You know, I get an opportunity to be a part, as a Mayor, to be

part of the United States Conference of Mayors and the National Conference of Black Mayors.

I tell you, people, Philadelphia is different. We are different. We are a City of neighborhoods. We are a City of regular people. We are not New York. We don't ever want to be New York. You hear me? We don't want to be Washington D.C. We don't want to be any of those places.

We want to be who we are, and we want to be Philadelphia. We want to be a city of neighborhoods, a city where people care about their next-door neighbor, where they care about when trash is around, and they care about our police officers and our police department and who believe that our neighborhoods ought to be clean and safe. That's Philadelphia.

We are a city that still has people in it where generations of people still live in the same neighborhoods, where mothers live on the same block as children. I mean, this is Philadelphia.

Judge McCaffery is vintage Philadelphia. He is vintage Philadelphia, and that's important to all of us. It's important to me that he brings all of those years, (I promise I will be brief no matter how long it takes), it's important to me that he brings all those years of experience as a member of the Philadelphia Police Department, because that is important, because that's a view, a perspective we need to be on our Court, so this is a proud day for us.

It's also a proud day for us because it was the voter turnout in Philadelphia County that helped make it happen with our fellow Philadelphians, so this is one election where we don't have to complain, why didn't we elect someone from our great City to the Superior Court?

So we are delighted to be here today, and I am just very, very proud of everything that happened in the prior election, not the least of which was the election of Judge McCaffery to the Courts.

I would say this as the last thing on a more sober note. We now have at least three members of the Philadelphia Police Department who are currently hospitalized as result of incidents that have occurred during the course of their duties as members of our great department, and there's one person, one member, Ray Plymouth who is real sick, and I have been visiting with him, and I know Your Honor

cares so much about our Department, not that we don't care about everyone, but these are the men and women who risk their lives every single day to protect us, and I am asking everybody in this City to offer a very, very special word of prayer for Ray Plymouth who is struggling down at Jefferson Hospital fighting infection, and he is a brave, brave man, and his wife and mother and family are all there.

There are others, but I would like you to please offer a very, very special word of prayer for Ray because he needs our support. His family needs our support in this very, very special time in their lives, so on this, the swearing-in occasion for our dear friend, Judge McCaffery, we congratulate you, we congratulate your family, we congratulate the Courts, we congratulate all the members of the great Philadelphia community and the community of Pennsylvania at large on this wonderful occasion. God bless you and have a great day.

PRESIDENT JUDGE DEL SOLE: Thank you, Mr. Mayor. I do want to correct one impression you might have of the Superior Court, however, Judge McCaffery is not the only Harley rider on the Court. Just so you are aware of that.

At this time I am going to call upon our newest colleague for some comments, some reflections. Judge McCaffery, you are on.

JUDGE MCCAFFERY: Madame Justice, Mr. Justice, President Judge Del Sole and members of the Superior Court and Commonwealth Court, distinguished guests, Mr. Mayor, Reverend Shine, Congressman, Brady, I am just sitting up here with a grin on my face. I can't even deal with this. This is incredible.

I promise you I will not subject you to what I was subjected to last week at Mr. Justice Baer's induction. There will be no screens with baby pictures. I swore I wouldn't do it.

But I would like to really share a few minutes and try to recognize some people and some groups that really mean a lot to me, and I tried my best to invite everybody I could think of, but, as you can see, it's standing room only right now, and we cut it down from a thousand people to six hundred people.

For those of us who have run statewide across Pennsylvania, it's a totally, totally different campaign than anything you have been exposed to in your life.

Unlike Philadelphia, with sixty-nine wards, which, for those of

you who run county-wide, you know that that's tough in and of itself...

With sixty-seven counties, as Justice Baer can attest, I think the two of us put fifty thousand miles on our cars just since January, fifty thousand miles.

Most of it was driving ourselves throughout this great Commonwealth, and we did it because we were on a mission to win, and to really show that some of us in the party could really campaign successfully.

As you all know, the Republican party won, I believe, twelve out of the last thirteen races for the appellate courts, and we were hell-bent on making sure that the Democratic party got their representation. I, for one, wanted to become the first Democrat from Pennsylvania in thirty-five years to get on the Pennsylvania Superior Court, which, in my opinion, is the hardest-working Court, not just my opinion, but everyone's.

So I would like to start out, please, just recognizing some folks from around Pennsylvania, and I know a lot of the guys are not here.

In case I can't see you out there, Mayor Richard Filippi from Erie County, great, great guy, the Chief of Police in Erie County, Sheriff Merski from Erie County, just super, super people.

I would also like to recognize here an incredible woman, and I am telling you, if her husband was not so big I would offer to marry her, but I am, just moving down the state a little bit, a woman by the name of Carmella Mullen, and you're all saying to yourself who is Carmella Mullen?

Well, if anybody ever had any aspirations for a statewide race, if you don't hire her you're a fool, because next to Congressman Robert Brady, this woman is a machine.

Carmella, will you stand up, please?

And I met Carmella through her husband, when I was first, as Max mentioned, we went out to State Committee, and we were talking about how we kept picking people who just couldn't win, and we needed to get the right people.

As soon as I mentioned I was a former Marine, the big guy, Jimmy Mullen, stand up, Jimmy. He said to me, "we are on your team."

Jimmy Mullen, like so many other guys here, Danny Sickman and the rest of our guys, were combat veterans in Vietnam.

Jimmy was shot at four times serving our great nation. It was the Jimmy Mullens and the Marines and the Army and the Navy and the Air Force that really, really combined to get the team out behind me.

I am looking at some folks right now that I would like to recognize. There are so many of them out there, Skippy Thackray. Where is my brother, Michael Miletto?

Mike, stand up, would you please?

My best friend Tommy Jankiewicz Master Gunnery Sergeant, Master Gunnery Sergeants Philip D'Angelo and Joe Canella – please, they came down from New York.

Stand up everyone.

Dan Sickman, Combat Veteran, and Colonel Ernie Brydon, World War II, Korea, Vietnam, and Israel, highest-ranking Jewish Marine in the Marine Corps.

Please stand up.

And one last military guy. If you notice the gentleman over to the left, he is riding in a wheelchair. It doesn't say Harley Davidson on it, but Officer Kelly and Eddie Kelleher, our American Legion post here, are also great veterans.

I salute you. Thank you for your help.

You will notice a guy in a blue uniform and a lot of ribbons. Where are you? Chief Master Sergeant Fred Lang, United States Air Force.

Where are you, Fred?

He has 17 years serving our country. He has been to Iraq. He has been back. He is just one of the most phenomenal people you ever met.

But I would also just like to move down the state a little bit to a place called Crawford County. I never heard of it until I got into this election.

I noted going through my motorcycle connections that there was a Republican, and I say that because this woman took a lot of risks. She took the steps to move out away from her party to publicly endorse a Democrat from Philadelphia.

Now, we all know it is bad enough to be a Democrat out there, but it is exceptionally bad being a Democrat from Philadelphia, and this woman put literally legions of people together along with her husband, a Pennsylvania State Trooper, to support me, and I would like to recognize her, State Representative Teresa Forcier, from Crawford County.

Another great individual who came forth, and a real big supporter of the 2nd Amendment and National Rifle Association, is my good friend, Sheriff Joswiak.

Barry, where are you? He came down from Berks County. Thank you.

Moving down into the southwestern part of Pennsylvania into Allegheny County and Washington County where the Democratic party is so strong like ours, the people are just too numerous to mention, but, you know, County Chairman Flaherty, all of the folks out there who are just too numerous to mention who are absolutely magnificent and really worked hard to help me out.

Moving up into our northeastern part of Pennsylvania, Wyoming, Luzerne, Lackawanna. You know, there's one individual that most of you don't know here. He is a former Mayor, and I am going to introduce him as the Honorable, because to me he is the Honorable. He was the man who took care of all of my media, took care of the Pat Croce piece. Pat is not here today.

He took care of all of my TV around Pennsylvania. This guy is brilliant. He is brilliant. He is absolutely an incredible tactician. He knows the game of politics unlike anything I have ever seen. He is the former Mayor, my good friend, the Honorable James McNulty.

James Barrett, his lovely wife Evie, seated next to him my good friend, Todd O'Malley, representing the trial lawyers.

Moving down into our area, I want to mention, and I would, please, seriously, all of the Ward Leaders who are here today, raise your hand or stand up. I want to thank you all personally because if it wasn't for our ward leaders, you know, you folks really, really brought out the votes for me. Thank you so much.

You know our political leadership in the Philadelphia area and the Democrats in Montco, Bucks – Cliff Wilson – without going into all the names, I know I will forget so many, Chester County, who were

absolutely fantastic.

Another group I would like to recognize are my bikers. Where are my bikers? Stand up. Our bikers, funny-looking tattoos and beards. Get up here.

Ladies and gentlemen, in counties across Pennsylvania where there was no organized political party to meet me, I would show up, and I would be met by one of two kinds of people, from the Pennsylvania Building Trades, or the bikers from A.B.A.T.E.

I want to thank them publicly because, you guys, without your help, there is nothing like riding down a rain-swept road into a county you never heard of, into a city you couldn't find without a global positioning system, and lo and behold, there would be your yard sign, stuck in front of the place you are supposed to be, with your literature that's already given out at the table, and there's some guy with no teeth and tattoos, and he gives you a big hug and a kiss, and he is there to help you out, and it makes you feel good.

I want to thank you, all of our members of the biker community, because they are all very, very well organized.

The trial lawyers, all their help and financial support has been fantastic.

I am leaving one other group out here. I want to also ask you to please stand, my Teamsters, where are you guys? Stand up.

Danny Grace, Jim Smith, Guys stand up.

These guys were with me from the start, from when I first got involved in politics. From there, I then made inroads with all of the building trades. Please stand up, Guys. These are all just absolutely incredible people who helped me out.

I would like to thank my President Judge. I say that because with all due respect, Judge Louis Presenza, as the mayor mentioned, you know, Night Court and all the other things I was doing, if it was not for the courage of our past President Judge, because I went to him and asked him for permission to create Night Court and help our communities and to create Eagles Court, I didn't do anything without asking permission, and if it wasn't for the help of former President Alan K. Silberstein, I would not have been able to do it.

And all of the other members of the Municipal Court, Judges, Judge Anderson sitting back there, and all of our good Common

Pleas Judges, thank you so much.

Lynn Abraham, Jon Saidel, what else can I say? You talk about the backbone, other than the Chairman of our Democratic party, Jonathan, every time we would get down and out you would make us smile, and that is worth a million votes right there just to keep us going.

Cal Shields, one of my running mates in the primary, thank you so much for coming down from Schuylkill County. You came all the way down to represent the Lieutenant Governor, and one other judge I want to recognize here is my good friend who supported me like you cannot believe, and that is Judge Georganne Daher.

Georganne, thank you so much.

I am not going to get into mentioning too many other people but I want to thank one last group of people here, and as the Mayor mentioned, it is my lifeblood, because everywhere I have gone I have always been the “cop in robes”, and I never hide from that because, quite honestly, it is what made me who I am today, seeing the victims of crime on the street, and that to me has been the one driving force, because I have always known that victims of crime on the street became victims in the courtroom.

And I worked real hard to become a judge and go to law school because I wanted to be there to make sure, to ensure, that there was a balance for our victims, which is very, very important, and I would like to talk right now and just ask to please stand up, where is my friend, Richie Costello?

Please stand up. Past president of the Fraternal Order of Police, and then Local 91 Allegheny County, the first lodge to come out in public to help me, and the other guys from Allegheny County, and the guys from the State Correctional Officers...

Please stand up.

I don't know if you are here or not, the Pennsylvania State Police Troopers? Are you guys out here? No. These people have been just super, and that's all the thank yous I am doing right now.

If I missed you I truly, truly apologize, but I would like to just go into one other phase and just talk briefly about this whole thing that is about Seamus McCaffery.

People always say to me, Seamus, you are done, you are this or

that, and that's as far as you'll go. Max pointed out Seamus McCaffery went from being a private in the Marine Corps to a full Colonel in the Air Force, and he went from being a beat cop in North Philadelphia to being on one of the highest Courts in Pennsylvania, and he couldn't have done it because, you know, unless he was pretty sharp, at least that's what he told me anyway to try and make me feel good.

Some of our more liberal people in the Democratic party were a little hesitant about a guy like Seamus McCaffery.

Max took a look and said there was a lot more substance to Seamus than what you think, but I just want to talk briefly here about my parents and family.

People talk about all the achievements I have made in my life. Well, let me tell you something folks, those are two little Irish immigrants over there who talk funny, my father, Seamus McCaffery, and my mother Rita McCaffery.

My father was world-ranked in '47, '48, and '49 as a professional boxer, a professional fighter in Belfast, Northern Ireland. He lost his boxing career, and almost lost his life, when he was beaten into a coma because he was Catholic, because of his religion, and he was told after he came out of his coma by his father that Ireland was too small for him and he needed to leave.

Can you imagine almost losing your life over your religion, and then having to leave your country?

And he packed up with twenty-one dollars in his pocket, and he had a name and a phone number of a distant cousin in Montreal. He never met him, didn't know anything about him, and he left Ireland, went to Canada with that phone number and twenty-one dollars.

He left my mother and three of us in Ireland, while he worked for a year and a half to bring us out. We came out on the boat, right, Mom? So any time I hear someone say that they "just got off the boat," well, I just got off the boat.

From those two little immigrants over there they had seven children. Six of them are here right now. From them they had twenty-one grandchildren, and I want you to think about that for a second, because from those twenty-one grandchildren we have Army

veterans, Air Force, Marine Corps, Navy officers, two Naval Academy graduates. One of them just got orders to fly the President of the United States, Marty Fisher.

My parents, when they immigrated they told me, Seamus, you are not here to be Irish, you are here to be American, and that's what it is all about. When you serve your City, serve your State, serve your Country, it is so important, especially as an immigrant with a funny name like S-e-a-m-u-s. God knows how many people call me S-e-a-m-u-s around Pennsylvania.

But, again, these two folks and the stuff that they did, it is not about Seamus McCaffery.

They should have a book written about them and what they have accomplished, if you stop to think, they have lawyers, a S.W.A.T. Officer, FBI agent, a prosecutor, all of the above.

And from that family, which left Ireland as a result of Catholic persecution in the North, our family is now Catholic, Protestant, Jewish.

Our family is no longer just McCafferys and Dunns and Quinns. We are Tornesellos, and we are most importantly, my favorite, Mastropietros. Morgan Elizabeth Mastropietro McCaffery, being held of course by her beautiful mother, Kristie Mastropietro, and Mr. and Mrs. Mastropietro are here today as well. But this is what America is all about.

Right here, folks

Stop and think about the achievements and the accomplishments that our family has gotten to the point right now, lawyers, judges, police, all serving their community, all from those two little immigrants right there.

None of us ever got locked up. Why? Because we had strong family ties, strong Christian values. We understood discrimination unlike anyone else, and these are the things, the values and ethics that I hope to bring to the bench today, things that my parents showed me.

But, again, one last thing I would really like to finalize, and I promise you I will get out of here no matter how long it takes, right, Mr. Mayor?

I would like you to just look around this room and you will see

why Seamus McCaffery became number one in Pennsylvania, Number One!

At the end of the primary there were six, three D's and three R's, left, and I was the lowest vote-getter, but on November 4th, I ended up as the top vote-getter in Pennsylvania.

Look around this room, folks, look at the diversity, Reverend Shine, President of the Black Clergy. Thank you so much, Reverend Shine.

Reverend Shine met with me early on through the help of my good friend, former Deputy Police Commissioner, and one of the greatest U.S. Marshals in the entire Marshal Service, Al Lewis.

Al, stand up, please.

Reverend Shine, Reverend Handy, Pete Matthews, the fire fighters, I just can't go on. It's just incredible.

And last but not least, the one guy, and he knows darn right well I don't do anything without dialing, he is on my auto dial, every phone number he owns, and that's my older brother, and people say I don't have an older brother.

Yes, I do, folks, because he is my family. I could not have been here today without him. I could not have been anywhere in my elected life without this man, and I want to publicly thank him and tell him I love him, and this is my guy and always will be my guy, and I am his guy, Congressman Robert A Brady.

Thank you all for coming. One last thing, for those of you who think I was easy to raise, I brought my reports cards from Cardinal Dougherty High School. All flunks and 70's, right, Mom?

PRESIDENT JUDGE DEL SOLE: Thank you, Judge McCaffery. What a great story about your family and your parents. Thank you, Mr. and Mrs. McCaffery, for all you have done for our new colleague and this Country. I thank you very much.

I want to ask Justice Newman to say a few words. Madame Justice?

JUSTICE NEWMAN: Well, I will make it short, Seamus, but I want to tell you one better, and that is a Republican from Montgomery County running for the Supreme Court, and I went to my first dinner in Wayne County and they asked me where I was from, and I said from Philadelphia, because if you are from

Montgomery County you are also from Philadelphia, and my campaign manager, who was very heavy, stepped on my foot and said no, she is not, she is from Montgomery County, and a man said where is Montgomery County, and she said it is next to Lancaster.

But on a more serious note, Seamus, I wish you only good health, success and I want to advise you that Max was wrong about one thing, you cannot have beer on the bench with your laptop.

JUDGE MCCAFFERY: I think he meant the beach, not the bench.

JUSTICE NEWMAN: I know what he meant. But I also want to say I was very moved by the story of the McCaffery family and, in the particular, Mr. and Mrs. McCaffery. And, as a woman, I probably know better than anyone that Seamus has a life partner who really deserves acknowledgment beyond belief, and that is Lise Rapaport. Thank you.

MS. RAPAPORT: Thank you.

JUSTICE NEWMAN: And I just want to say God bless you and have a Happy New Year and a happy tenure on the Superior Court.

JUDGE MCCAFFERY: Thank you, Madame Justice.

PRESIDENT JUDGE DEL SOLE: Thank you, Madame Justice. Ladies and gentlemen, Judge McCaffery and Judge Joyce and I are going to ride off on our Harleys, but before we do that Judge McCaffery has asked me to invite everyone to a reception commemorating this great day in Conversation Hall in this building, and with that, unless you have anything else Your Honor?

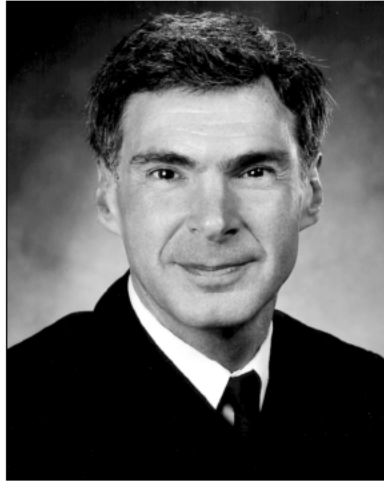
JUDGE MCCAFFERY: Just one other thing, the lovely lady, I will be beating myself up if I don't, please stand up, Lise and Janet. I could not have done this without these two ladies. They are absolutely fantastic. If I ever run again they are going to kill me.

PRESIDENT JUDGE DEL SOLE: Mr. Morrissey, is there any other business of this Court?

MR. MORRISEY: No Your Honor.

PRESIDENT JUDGE DEL SOLE: Ladies and gentlemen, the ceremonial session is adjourned. Thank you.

THE HONORABLE JACK A. PANELLA



Assumed Office: January 9, 2004
County: Northampton

INSTALLATION CEREMONY

Superior Court, held in Northampton County, Third Judicial District, Easton, Pennsylvania, on January 9, 2004.

MR. MORRISSEY: Let the ceremonial session of the Superior Court of Pennsylvania, President Judge Del Sole presiding, come to order. Let all manner of persons arise in attendance, let the family, friends, associates of the Honorable Jack A. Panella be joyful to the citizens of this Commonwealth, confident and assured, as the Superior Court convenes for administration to the Honorable Jack A. Panella of the oath of Office of the Superior Court of Pennsylvania. God save the Commonwealth and this Honorable Court.

PRESIDENT JUDGE DEL SOLE: Be seated everyone.

Good afternoon. What a great day, important for the Panella family and for our new member, Judge Jack Panella. It is a joyful occasion. And obviously, Jack, you either have a lot of friends or a lot of people looking for a position on the Court of Common Pleas, I'm not sure which it is but we'll find out as the day goes on.

At this time I would like to call Brigadier General Jessica L. Wright forward, please. Color Guard, advance the colors.

Ladies and gentlemen, would you please rise, Honorable Judges, Bishop Cullen and ladies and gentlemen, would you please join me in reciting the Pledge of Allegiance.

(The Pledge of Allegiance was recited, led by Brigadier General Wright.)

PRESIDENT JUDGE DEL SOLE: At this time I would like to call upon the Most Reverend Edward P. Cullen, Bishop of the Diocese of Allentown.

BISHOP CULLEN: Let us pray. Lord, help your servant, Jack, to fully appreciate that he cannot bring justice to his new office unless he dwells with you and that he cannot dwell with you and reflect the wisdom of your caring love unless he accepts your call to be a living sign of selfless service. Lord, teach him to be humble and charitable in spirit. Take from him all false confidence in his own strength and never allow him to place his only hope in forms of earthly power. Fill him with a thirst for justice and a zeal for compassion. Dispose his heart to respect the rights of all citizens. Help him to promote harmony and fairness for every individual as well as the common good of our society. Let him rejoice, especially in serving those who have nothing to offer except their needs and their dignity as human beings.

Foremost, let him never forget the impoverished, exploited and oppressed. Let timidity and fear have no influence in his deliberations rather may the character of his work be marked by those virtues that will foster justice in all circumstances.

Give him the gift of prudential judgment so that his decisions are always rooted in spiritually sound moral values, especially those which hold in highest priority the well being of all human life.

Aware of your abiding presence we ask that you grant your servant, Jack, the blessings of insight, friendship and encouragement. Let him come into his new life through his colleagues and associates, who will assist him in carrying out the responsibility of his new office.

Conscious that the future is unknown, yet encouraged by your unconditional love, we here prayerfully seek new spirituality, strength, for every elected official throughout our Commonwealth.

It is with faith that we place this prayer before you, the Lord, and Father of us all. Amen.

PRESIDENT JUDGE DEL SOLE: Please remain standing while Matthew James Allshouse renders the National Anthem.

(Matthew Allshouse sang the National Anthem.)

PRESIDENT JUDGE DEL SOLE: Ladies and gentlemen, please be seated.

The Superior Court of Pennsylvania for over 107 years has been convening in ceremonial sessions on and off for the happy and joyful purposes of installing new members of the Court. And we are here today to present ceremonially the Oath of Office to Jack Panella, one of our newest members.

There was some question whether this election would ever end. I'm sure most of you were following it, as were the members of the Court. I can assure you; however, that, with the understanding of the Supreme Court of Pennsylvania we were committed to making sure that at least Judge Panella and Judge McCaffrey were working as of last Monday, although they might not have been earning the salary of the Superior Court Judge.

Judge Panella, you join a Court that has been in service since 1895 in Pennsylvania. It is one of the busiest intermediate Appellate Courts in the United States. Last year we had over 8 thousand 4 hundred appeals filed in this Court. And the Judges in this Court filed decisions in over 5 thousand cases. Considering that we only have 15 commissioned Judges and 8 Senior Judges that is a remarkable workload per Judge. And no Court in this Country decided that many cases per Judge, no intermediate Appellate Court. So we are quite proud of the work that we have and we know that we are receiving a new member who has also distinguished himself through hard work and dedication to the Rule of Law.

He began practicing law in 1980. You served as a Law Clerk. You were a County Solicitor. And you have been a Judge on the Court of Common Pleas here in your beloved Northampton County. And you have also been the President Judge of the Court of Judicial Discipline. And we know that no one achieves those goals, no one achieves those positions unless they are committed to working hard, to dedication to their job and to their community. And we welcome

you to the Court. You are going to find it a wonderful institution and colleagues who will be most helpful to you as you begin your duties.

I would like to take a moment and first thank the Judges of this Court for allowing us to use this beautiful Courtroom, particularly the President Judge, who we've been on many different groups together. Bob, we thank you for allowing us to be here today and help celebrate in the homecoming of our new Judge on this wonderful event.

With that I'm going to call upon Philip Hof, Esquire, for remarks.

Mr. Hof.

PHILIP HOF, ESQUIRE: Your Honor, good afternoon everyone. Members of the Clergy, Judiciary Administration, elected officials, friends, family and my fellow members of the Bar. We wouldn't be here today were it not for Jack Anthony Panella. But His Honor asked that this not be a testimonial to him in the nature of a eulogy. And really it would be inappropriate to eulogize an Appellate Judge until he's authored his first opinion. In light of that, I think a judicial argument might be more appropriate, however brief I can try to make it.

And therefore, may it please the Court; and the Court; and the Court; and the Court; this question presented on appeal must look to the Pennsylvania Rules of Judicial Administration. Rule 703 provides that it is the policy of the unified judicial system that any matter, at any state of a proceeding be brought to a fair conclusion as promptly as possible consistent with the character of the matter and the resources of the system. And the requirements of this Rule further specify and implement this policy in keeping with the Court's constitutionally mandated policy and responsibility to oversee property, proper disposition of the business of the Pennsylvania Court. So the question presented on appeal is whether a Common Pleas Judge from Northampton County, and the Borough of Brooklyn, elected by overwhelming votes to the Superior Court of Pennsylvania is likely to implement prompt and fair administration and disposition of appeals. The suggested answer so far is yes. And for precedent we cite 3 sources, the Northampton County Court of Common Pleas, our cherished Bench, this Bar and

the supporting family of this Appellate Judge.

Source number 1 is the Bench. And this allows you to know whether I'm one third through, two-thirds through, et cetera. The Third Judicial District, Northampton County, is a source of pride to this Bar and this community. I am always moved like they are talking about my own child when I go to another venue and this is the point where the Judge or opposing counsel says, oh, Easton is that Northampton County? And I say, yes. And they say, good Bench, quality Bench. Those couple of words mean an awful lot because this Bench is known, although we are on top of a hill, we're not on a hill because it is known for a level playing field for any litigant who comes before this Court of adjudication. Lead by a President Judge whose conduct defines the standard of what that position should be. And thanks to Judge Panella's colleagues, who work in all diverse areas, we have earned the nickname of the Rocket Docket. And that is despite a shortage of Judges compared to what some other counties are fortunate enough to enjoy. Our Judges are overworked but not complaining. And a Judge will hear a Domestic Relations matter on a Thursday morning and a property appeal later that afternoon and they do so with competency. And this diversity further justifies why Judge Panella's medal has been hardened for his position on the Appellate Bench.

With our sister jurisdiction of Lehigh County to the west, the Lehigh Valley is recognized as not just the place between the two metropolitan areas but a growing, vibrant area, an area where the Bench is respected and it is known as a nice place to practice law.

I'm probably stating the obvious in noting that today history is marked by the first time a member of the Northampton County Bench or Bar, for that matter, has assumed the duties of Superior Court Judge. Joining Judge Simpson on the appellate level from our County, Judge Panella moves up and we'll not find that people travel here by bus from Philadelphia and Pittsburgh hopeful that they will become appellate judges, they come just to drink the water. Judge Panella's service even at its zenith will always be a product of this quality Bench.

But before Judge Panella was Judge Panella he was Jack. And this provides the second source of precedence for his justification to

assume further duties. He's no less a product of this Bar that he is a product of this Bench. And ours is a Bar even still with all the numbers we have, with all the squabbles we have from time to time, a Bar where a lawyer's word is his and her bond. And there is a civility among Northampton County lawyers and it is something that is known to us and it is a secret we keep. It is not uncommon for a Philadelphia practitioner to come here the first day of trial, he or she is just trying to get his or her way around. The second day they are telling you a little bit about what it is like to practice in the big city. The third day they are asking you if the housing is expensive here. It is a reflection on the tone that the Bench sets, the expectation that the Bench communicates and the collegiate and camaraderie among our brothers and sisters. And Jack was a child of this Bar.

Judge Panella has taken an oath twice there before on memorable occasions. The first in 1980 as a lawyer. Judge Panella and I interviewed together when we were seniors in law school at the same hour, on the same day for the clerkship. A wonderful experience in Northampton County. We were the second wave actually of applicants. The first wave had already had a few selections taken but they couldn't fill two positions so they had to dig a little deeper. Sam Geld was in the first but Jack and I were in the second. And we interviewed first with all the Court. And then Judge Franciosa was conducting Juvenile Court so we went down and met with Judge Franciosa. He asked us each if we could consider remaining in Pennsylvania. I was living in Oklahoma and said it seemed like a nice place to raise a family; Pottsville, wife. I certainly would consider it. And Judge Panella said, Your Honor, I don't think so. But things did warm up. I went to Philadelphia, didn't know a sole but I came to the study group and there at the Bar review cram course was Jack Panella, Jay Leeson, John Morganelli. I asked them could I join your study group? Judge Panella said no. His decisiveness was showing its way even then.

He became a busy practitioner after the clerkships and he was always on the move. You'd be in the courtroom at the Bench, you'd hear a huge metal can go over in the marble hallways, it would ring through the halls, somebody would say Jack. Somebody would lean on the light switch in the back of the courtroom, all the lights went

off. You'd hear Judge Williams say, Mr. Panella, you are leaning on the lights.

His first day of practicing law he knew what to say because Judge Williams sat there, he said, Your Honor, may I approach the Bench? Judge Williams was busy and said, no, you may not, Mr. Panella. But Jack had only known what to say not to what to listen to so he stood there like a puppy waiting for his biscuit until the judge said, sit down.

With these things behind us, we concluded that it was time for Judge Panella to be safe on the other side of the Bench.

Our Bar will have a lasting effect on the Superior Court through what we have given to Judge Panella. These include a number of qualities, perhaps foremost the courtesy. Courtesy he shows to members of the Bar and to litigants who come into his courtroom. This is before he sentences them. But it is a very genuine courtesy and whether you are in the cafeteria or in his chambers he will always address how the lawyer is being treated, how the process is being preserved and the signal that is being given to the litigants, in terms of the dignity of the process. And I understand there was one Montgomery County lawyer who actually asked Judge Panella to recuse because he was showing too much friendliness towards that Montgomery County Lawyer. He didn't trust the courtesy. That is an overstatement. But Judge Panella always has made out of County practitioners feel very much welcome here and the home rule advantage is definitely kept to a minimum where everybody is given their day in Court.

Judges always say I'll remember what it is like to have been a lawyer when I get on the Bench. And then somebody gives them a pill, sometimes not all of them, where the memory tends to fade. Judge Panella has show on his tenure in Northampton County that he not only hasn't forgotten what it is like to practice law he truly does remember and he keeps that in mind, the constraints of the practice, the balances of the practice. And he is someone that will ask a lawyer "Can you be here next week" before he orders them to be there next week. And at least he asks first. And it is something that makes a difference in the stress level of the practitioner.

Energy and industry are qualities that he will also take. We all

get fatigued just from watching Jack work. You should expect promptness in his opinions that he renders on behalf of the Superior Court. I'm expecting that if I am fortunate or unfortunate enough to be there on appeal I will have an opinion in my FAX before I return from Philadelphia. He's shown dedication. He's never been somebody to shy away from hard work. He's put in the hours. And whenever a really late night is required he's never hesitated to require his law clerk to do that work. He will bring a fairness, a compassion. He really has a contempt for injustice and it is something that I think will stay with him even at the appellate level. He doesn't like sharp practice. He doesn't like people pulling things. He doesn't like slick moves. He wants everything to be on the table and he wants to cause the lawyers to speak to one another whenever possible and work things out.

The third source of support in addition to the Bench and the Bar is his family. And Jeanne, there is a sainthood for you. Allison, Rocco and Brian, you are not only a credit to your dad you are so much like your mom, congratulations. Vivian, you did a beautiful job raising this boy. You were here in '91 to see him take the Bench. You weren't feeling well then. God bless you. We're so glad to see you here today. And you should be so proud.

JUDGE PANELLA: That is my mom.

-APPLAUSE-

PHILIP HOF, ESQUIRE: And Ann Marie, your little brother, remember he said if you promised to move to the Lehigh Valley, not Brooklyn I'll never bother you? I'll never ask you for a thing? Well, there is something above a sainthood and that is for you.

From his roots in Brooklyn, Jack has shown a contempt for oppression, compassion for the disadvantaged person and a respect for hard work. And you never wanted it to be someone who brought a litigant before Judge Panella who had not paid his or her dues in getting to where they should be because he had no patience with people who don't hold their own weight. But he always had a compassion for people who sometimes fall on hard times. And I think if he has a reputation for being stern with criminals it is not because the anger is directed towards them, it is because of what the criminals can take away from other people. And I think that is something that has not always been understood. And it is a rare quality. And it is one

that I think helps preserve what we have. We're so fortunate to have Judge Panella as he's been so fortunate to have the Bench, the Bar and the family.

And, you know, there'd be some Judges who might become a little concerned that his friends and the lawyers and his own family wanted him to exit Northampton County so badly and offer to assist him in this. The truth is, Judge, we never expected you to be elected. Otherwise, we wouldn't have supported you so much when you appeared at Larry Holmes' building and remember everybody was clapping and whispering, we were all saying, let Jack just get it out of his system, okay? And you know, let's hope he's not cranky when he's back on the Bench. And we just kept talking until you said something about appellate elections are very expensive and then everybody got quiet. And Larry left the room. But you did win, Judge Panella, you won big.

And I remember hearing that Father Sheehan, who was your Priest at St. Jane's, your parish, and who is now I think a resident at St. Anthony's, you said to Father Sheehan, Father, I have prayed to St. Anthony hoping that it may help for this election and the day after Election Day, Father Sheehan said Jack, I think St. Anthony shot you out of a cannon. You won, from what I hear from people that I practice with and in outlying counties, that you won because you have convinced them that you would obey by your oath of trust. A lawyer from Centre County yesterday said he seems like such a sincere guy and he seems to really care about the people that come before him. And these supportive sources provide precedent for a reliable prediction.

And in closing, my prediction is that Judge Panella will rule on the Superior Court with enthusiasm and with propelling force not intimidation. He will provide that level playing field even on the appellate level for the lawyers who come before him. He won't second guess or micro-manage or Monday morning quarterback the trial Judges, who after all are the people who are in the trenches and see first hand what is going on. He won't immediately rush to judgment of a Common Pleas Judge who sentences someone even if it is not the maximum. And he will not substitute his own discretion for the sentencing Judge or the adjudicating Judge. He will simply make sure

that there was fairness and an obedience of law down below. And I believe that Judge Panella has shown he can do this without preconceived political agenda and really the ideal jurist, in my mind. And I'm not a wise person. Yet anyway, the one where you go before him or her and you don't say they are going to go this way because of who they are. They are going to go this way because of the facts and because of the law that should be applied. And that is the way Judge Panella has been. And I think that is why he's received bipartisan support and left and right support in being elected to this post because he has shown that lack of preconceived agenda. He'll remember the constraints and the demand of practicing law. He'll be sensitive that while appeals are pending, lives are hanging in suspension.

And in weighing the individual liberties in these post 9/11 times, our cherished liberties with the need for collective security, I predict that he'll remain a pillar of support for our cherished system of laws. And I sign respectfully submitted, a member of this cherished Bar. Thank you.

PRESIDENT JUDGE DEL SOLE: I will take a moment to introduce to the audience the Judges that are here from the Appellate Court in Pennsylvania. Immediately to my right is Justice Russell Nigro of the Pennsylvania Superior [sic] Court of Pennsylvania, a good friend of Judge Panella and will have some remarks a little bit later.

Joining me today from the Superior Court are to my left Judge Kate Ford Elliott from Allegheny County; Justice Nigro to the right; Judge Michael Joyce from Erie County; on the left; Judge Correale Stevens from Luzerne County to my left; to my right Judge Richard Klein from Philadelphia County; Judge Mary Jane Bowes from Allegheny County. And immediately in front of me is Judge Seamus P. McCaffrey from Philadelphia County. These are the Commissioned Judges that are here.

And our Senior Judges that are here, Judge Patrick Tamilia from Allegheny County; Judge Phyllis Beck from Montgomery County; President Judge Emeritus Stephen McEwen, Delaware County Judge; Judge Justin Johnson from Allegheny County. Here today is a former colleague of ours, who just left service on the Superior Court, some say to make way for Judge Panella, that is

Robert Graci. I know Bob is here and we thank him for coming.

And we also have present Judges from the Commonwealth Court of Pennsylvania, Judge Robert Simpson, I think you have all heard from around here; Judge Flaherty, Senior Judge from the Commonwealth Court, Allegheny County.

I have a letter that I have been asked to read: To the Honorable Jack A. Panella, Superior Court of Pennsylvania. Dear Judge Panella slash Jack, it is disconcerting to me that I am unable to personally attend the auspicious occasion of your elevation to the Superior Court of Pennsylvania. No doubt much will be said today relative to your legal capabilities, morality, tenacity and integrity. There is no need to be redundant.

I would; however, like to leave you with the words of wisdom passed on to me by my former colleagues of the Fifth Judicial District when I left to take my seat as a Justice of the Supreme Court of Pennsylvania, quote, fill the seat of justice with good men but not so absolute in their goodness as to forget what human frailty is, closed quote. It is without question that you have not only lived by these words of simplicity but will continue to carry yourself accordingly.

Godspeed on your tenure and any future endeavors. Very truly yours, Steven A. Zapalla, Chief Justice Emeritus, Supreme Court of Pennsylvania.

And now I would like to call upon Gerald Seyfried, the former Executive of Northampton County.

Mr. SEYFRIED: Thank you. Members of the Clergy, Bishop Cullen, Honorable Judges, elected officials, guests, Jack Panella and his family and all his family members, good afternoon.

It is a privilege for me to be here and an honor for me to be here today to be part of this joyous and history-making event, the swearing in ceremony for a friend, His Honor, Jack Panella, to a seat on the Superior Court of Pennsylvania, is a first for Northampton County. Never before in the history of the county has an attorney been elected to Superior Court Judge. Not only is that a major feat but our friend, Jack, was also elected with an overwhelming vote. The election of Judge Panella to the Superior Court is indeed significant for Northampton County. No longer is the County of Northampton in the shadows of Philadelphia and Pittsburgh. Northampton County is

located in the third largest metropolitan area in the Commonwealth. And the election of Judge Panella to the Superior Court is recognition of that stature.

The achievement of being elected to this high appellate position is evidence when we take a look around the room and we note that dignitaries who are here today. This hall today is blessed with dignitaries and they come from all walks of life. We have with us His Excellence, Bishop Edward Cullen. We have with us today a distinguished member of the Supreme Court; Federal Court; members of the Superior Court; Commonwealth Court; Court of Common Pleas and also in attendance the Secretary from the Governor's Cabinet; Senators' Representatives and many, many other elected officials.

This is truly a historic moment in the history of Northampton County. The court stenographer is recording the words of each speaker today and these minutes will become part of our written history. The documents will be entered into our Archives for future generations to relive this moment. That is why it is important that today we note for the record some important information about our friend, Judge Panella.

This I want in the record. It was on March the 27th in 1992 that I beat Jack Panella in a game of handball. Now you guys know this, as least you know how he runs and he's in these marathons, well, that's right because one chink in this armor, he didn't know this, the athleticism in this body, I'll tell you.

I had to get that in there, Your Honor. People have a right to know.

It seems no matter where you go Judge Panella always makes friends. And he makes a lot of new friends. Now, don't get me wrong, not everybody is this man's friend. Our prison is full of individuals over here who have a different opinion of him, okay?

But Judge Panella, as we knew him, 10, 15 years ago, Jack has always been a very dedicated public employee. He served as a Solicitor for the County of Northampton under the late Gene Hartzell. He served as County Solicitor to my administration in the early 90s. He went on and joined an outstanding group of individuals on the Northampton County Bench. Judge Panella has served our

community with dignity as a member of the Court of Common Pleas. He has risen to the highest pinnacle of his profession. He has always faced tough decisions and new challenges in all his endeavors. He has met and passed the test with flying colors. I was almost always amazed at the energy level of my friend. And it takes a special guy to fulfill duties of Solicitor of this County and still find time to go to trial once a month. Plus he found time to go to Brooklyn to visit his mother on a regular basis. And we could always tell when he went to Brooklyn. Every office on the fourth floor would have cannolis and Italian goods and they'd be there for days.

Recently I spoke with many individuals in the Courthouse and many of your friends, Jack, and asked them if they were able to come to the podium today what is the message that they would leave for the record? So for all those individuals here, of who I talked with who are not able to come to the podium today but are with you in these chambers and with you in their thoughts, this is their message. Now you go on to meet new challenges as a member of the Superior Court of Pennsylvania. Judge Panella we're all here today to wish you well. The truest recognition of what [you] have achieved is that which comes from the heart of your family, your friends and your co-workers who have come here today to share this moment with you. As you face those new challenges remember I and all your friends. We here are only one of an army of friends who will always be with you. We wish you the best.

And this message comes from all your friends here in Northampton County.

Thank you.

PRESIDENT JUDGE DEL SOLE: Thank you, Mr. Seyfried.

You may wonder when I was introducing my colleagues on the Bench that I was going from left to right with the names and that is because we generally try and do things based on seniority. And the law of the Commonwealth requires that when the Judges are elected to the same Court on the same day that you draw for seniority. That would really let you determine where you sit on the company picture, you either get to sit in the middle or at the end and all of you probably will be very happy to know that Judge Panella drew the last number

so he is the lowest in seniority of the Commissioned Judges on the Court.

I want to take a moment also to introduce to you some of the Judges that are here. First again Judge Robert Freedberg, the President Judge of Northampton County; and Judge, again, thank you for this beautiful courtroom and use of it, to you and the County and the citizens of this County it is magnificent and you can be very proud of it.

PRESIDENT JUDGE FREEDBERG: We're honored that you are here.

PRESIDENT JUDGE DEL SOLE: Thank you. We'll see how that works when Judge Panella starts writing reversals.

Now, there are a number of Judges here. I'm just going to name them that are here. If I don't have your name on this list and I don't call your name and you feel you are so important that you should be introduced, please give me your name and we'll take care of it.

Judge Stephen Baratta; Judge Emil Giordano; Judge Chester Harhut; Judge Kimberly McFadden; Judge William Moran; Judge Arnold New; Judge Edward Reibman; Judge Edward G. Smith; Judge James C. Hogan; Judge Isaac Garb; Judge Robert Blasi, from Philadelphia Municipal Court.

And we also have some of Judge Panella's colleagues from the Court of Judicial Discipline, the President Judge Sal Cognetti; Judge James Beasley; Judge Robert Capoferri; Judge Christine Donahue; Judge Carol McGinley, who is also a Common Pleas Court Judge in Lehigh County; Judge Panepinto, who is also a Common Pleas Court Judge in Philadelphia; Judge Ralph Sposato, the President Judge Emeritus of the Court; Judge Joseph Sweeney; Judge Esther R. Sylvester, another President Judge Emeritus of the Court and also Common Pleas Court Judge in Philadelphia.

And we also have with us today the distinguished Auditor General of Pennsylvania, Bob Casey, Jr.

Thank you for coming.

Now I would like to introduce my predecessor as President Judge, a dear colleague and a great friend, the Honorable Steven J. McEwen, President Judge Emeritus of the Superior Court of Pennsylvania and President Judge Emeritus of the Court of Judicial

Discipline of Pennsylvania.

PRESIDENT JUDGE MCEWEN: May it please the Esteemed Justice Nigro; Your Eminence, Edward Cullen; Monsignor Hayek; members of the Clergy; President Judge Joseph Del Sole and my cherished colleagues upon the Superior Court; Judges Harhut and Simpson of the Commonwealth Court. May it also please, as well, Judge Panella's wife, Jeanne; daughter, Alison; sons, Rocco and Brian. As well as I understand Mrs. Panella and his sister are here today. May it please all the members of the Panella clan as well as the members of the Bar of Pennsylvania here and all of the many friends, legions of friends present here today. And may it please, World Heavyweight Champion Larry Holmes. He's a fellow you want to please at all times.

We assemble this afternoon for the Ceremony of the Oath of Judge Jack A. Panella. The occasion is, of course, much more than a ceremony since his pronouncement of the Oath of Judge of the Superior Court is, in a very real sense, a moment of passages which marks a consecration of his career to the cause of appellate jurisprudence and enables celebration by all of us, the citizenry of Pennsylvania, will continue to be the beneficiary of his very special gifts.

Whether we describe the occasion as a consecration, or a celebration, or a ceremonial, a glance over the room makes it clear and certain that the rich, warm happy glow, which each and all sense and feel, and reveal and reflect, can be described in a single phrase, absolute joy. While I am present here today as a friend of Judge Panella and his new colleague upon the Superior Court, I address this august assembly on behalf of the Pennsylvania Court of Judicial Discipline, President Judge Sal Cagnetti and the other members of the Court to whom you were just introduced by President Judge Del Sole. That is a Court upon which Jack and I both served as President Judge, thereby enabling me to bear clarion witness to his sterling performance as an architect of the jurisprudence of judicial conduct review in Pennsylvania.

In 1993, the citizens of Pennsylvania, by firm ballot and ringing pronouncement, changed the Constitution of Pennsylvania and directed that the system of judicial conduct review be conducted by

two separate and autonomous agencies: A 12 member Judicial Conduct Board to consider complaints relating to judicial behavior, and an 8 Judge Court of Judicial Discipline to conduct trials in those cases where the Judicial Conduct Board concluded there was prima facie cause for that complaint. It is a system which our illustrious President Judge Del Sole is so well familiar, since he was elected by the 12 members of the Board to be the very first Chairman of that Board. Now surely it is instantly clear that the Court of Judicial Discipline performs a unique and critical role in our government, since it must achieve a precious balance between a duty to inspire in the citizenry, including the legislature and the executive branches, a confidence in the integrity and competence of all judiciary as well as that duty to inspire the confidence in the citizenry.

It has a responsibility to inspire a confidence in the 450 Common Pleas Court Judges and 500 District Justices throughout the State that the Court of Judicial Discipline is a fair tribunal and not a pawn of either politician or publisher.

I can tell you that the judges of the Court of Judicial Discipline, quickly upon the arrival of Judge Panella to that Court, realized that he is an individual who blends superbly, an intellect which transcends cleverness, with a spirit of dedication and commitment. And I can assure you that the guidance and counsel of Judge Panella during his four year term as Judge and as President Judge of that Court enabled the Court of Judicial Discipline to attain those goals by molding for decades to come, the jurisprudence of Judicial Conduct Review.

Now, a few weeks ago before this past election, a revered and deeply admired observer of the political scene, having watched the judicial candidates during the preceding year, characterized Judge Panella as a Hollywood Collage, because Judge Panella revealed the soft, shy side of Jimmy Stewart, the grit and determination of Clint Eastwood and the glint of eye and sparkle of smile of Paul Newman. Thus it would seem that destiny played a part in his election to the Superior Court since he will there join a Court already renowned for Judges who are strikingly attractive and of star quality.

And so it is that I welcome my friend and colleague Jack Panella and thank him for the honor of participation in his Ceremony.

PRESIDENT JUDGE DEL SOLE: Thank you, Judge McEwen. I understand that Senator Boscola is here; Representative Richard Grucela; District Attorney John Morganelli. We also have District Justice Nancy Matos-Gonzalez; District Justice Joan Marinkovitz; and District Justice Elizabeth Romig.

Now I assure you that concludes the list that they gave me so I repeat, if anybody wants to be recognized by the Court at this time.

I call upon Attorney Leonard Zito.

MR. ZITO: Your Honor, may it please the Court, my attention was distracted just a few moments ago from the remarks because I never thought I would be involved in a ceremony where Judge Panella would be equated with Clint Eastwood, Dirty Harry?

Thank you, Judge, I appreciate that.

May it please the Court, members of the Court and honored guests, on behalf of the Bar of Northampton County I introduce and move into the record the commission of the Honorable Edward Rendell, Governor of the Commonwealth of Pennsylvania certifying to the election of Judge Jack Panella to the Superior Court of Pennsylvania.

With the permission of the Courts, I now call Donald Cunningham, Jr. our Secretary of General Services for the Commonwealth of Pennsylvania, and I request that he read into this record the Commission of Governor Rendell.

Mr. Cunningham.

PRESIDENT JUDGE DEL SOLE: Permission granted.

MR. CUNNINGHAM: Before I read the Commission I just want to say that it is a tremendous honor and a privilege on two counts to have the great distinction of being able to read our Commission.

Judge Panella, first it is an honor to be here on behalf of Governor Rendell. I wanted you to know that he sends his regards, his congratulations.

And secondly, it is a great honor because the Panella and Cunningham families have become quite linked together over the last several years, with my father working for Judge Panella, spending a lot of time the last year with Judge Panella, and now working for Judge Panella in his new role on the Superior Court. So both from a

family, and a personal level, and a professional level it is my great honor to read these commissions into the record.

It appears by the certificates and returns made, according to law of the election held on the 4th day of November, 2003 that you, Jack Panella, have been duly elected Judge of the Superior Court in the Commonwealth of Pennsylvania; therefore, know ye that in conformity to the provisions of the Constitution and laws of the said Commonwealth and such case made and provided, I do hereby present this Commission to you as Judge of the Superior Court of the Commonwealth of Pennsylvania, Third Priority of Commission. To have and to hold the said office together with all the rights, powers and emoluments thereunto belonging or by law in anywise appertaining—I didn't write this—for the term of 10 years, to be computed from the first Monday of January 2004, if you shall so behave yourself well. Given under the hands and great seal of the State of Pennsylvania, the City of Harrisburg, on the 2nd day of January, the year of our Lord, 2004, Edward G. Rendell, Governor.

PRESIDENT JUDGE DEL SOLE: Thank you, Mr. Secretary.

MR. ZITO: Thank you, Mr. Cunningham.

Your Honor, nearly 10 years ago to this date our late colleague, Renald Barrata, moved the Northampton County Court to administer the oath of Judicial Office to Jack Panella as a member of the Northampton County Court. In his memory and under the authority of the Commission of the Governor, I now similarly and respectfully move this Court to administrator the judicial oath of Judge Panella entitling him to enter into the duties as a Judge of the Superior Court of Pennsylvania.

PRESIDENT JUDGE DEL SOLE: Motion is granted.

MR. ZITO: Thank you, Your Honor.

PRESIDENT JUDGE DEL SOLE: Jack, it was a long time coming.

JUDGE PANELLA: I know.

PRESIDENT JUDGE DEL SOLE: Ladies and gentlemen, I introduce the Honorable Russell M. Nigro, Justice of the Supreme Court of Pennsylvania.

JUSTICE NIGRO: Thank you, President Judge Del Sole.

I want to apologize for my voice. I want you all to understand that I'm not attempting to audition for Godfather 4; unfortunately, my family doctor, who happens to be a personal friend of mine, started calling me about 3 or 4 weeks ago suggesting and imploring me to get a flu shot, which I have never gotten, never before. And he called me 2 or 3 times and told me he was running out of the flu shots vaccine and that I better get down to his office to have this flu shot. Well, against my better judgment thinking he was the doctor and knew more than I did, I went down and got my flu shot and I have sounded like this ever since. So I know we have a lot of lawyers in the audience, if you all want to leave your business card.

Let me say that this is a great date for the Panella family, and it should be. It is my privilege and honor to not only be here and come back and visit this Courthouse, as I did many times in my two campaigns in '93 and '95, and got an opportunity to see a lot of you again and it brings back a lot of wonderful memories. The memories weren't quite as good in 1993 but they were great in 1995. And history has a way of just remembering the good things, I guess. But I had the opportunity at that time in 1993 to meet Jack. He's a wonderful human being. He's a hard working guy. When he called me up about a year ago and said, can I come down and speak with you? Because I'm thinking about doing something important in my life and, you know, I'd like to have your opinion. So he came down to speak with me and had indicated that he was thinking about running for the Superior Court and the advice that I gave him, which I felt was more important than anything else, was that he should be honest with himself and honest with everybody he came in contact with. And that he would work very, very hard because it is a very, very tough task to place yourself out there to the people across the entire state. I said, you don't want to wake up the day after the election, look in the mirror and say to yourself, I lost a very close election and I should have done this and I should have done that.

Well, I can tell you the man exceeded the expectations of what was necessary to be successful. His hard work and dedication, his focus was very, very critical and allowed him to be successful. Now the problem is, Jack, is that you now have to accept the responsibility of winning this 10 year term to the Superior Court and you have an

obligation to the people of this state to do your very best day in and day out to decide the cases fairly, to decide the cases competently and to not get caught up in the trappings of being on the Appellate Bench. I have confidence that you will do exactly those things during the next 10 years. And everybody here in this room will be happy 10 years from now, as they are today, that you did exactly what they asked you to do, your job in the right way. So I congratulate you and I congratulate your family. And again, as I said, it is a pleasure to be back here in Northampton County.

With that will everybody please rise. I need a little help from the audience. I need Justice Brian Panella to come up because you need to help out your dad here. You have got to hold that Bible while I administer the oath of office.

JUDGE, please repeat after me:

I, Jack Panella.

JUDGE PANELLA: I, Jack Panella,

JUSTICE NIGRO: Do solemnly swear

JUDGE PANELLA: Do solemnly swear.

JUSTICE NIGRO: That I will support, obey and defend;

JUDGE PANELLA: That I will support, obey and defend;

JUSTICE NIGRO: The Constitution of the United States;

JUDGE PANELLA: The Constitution of the United States;

JUSTICE NIGRO: And the Constitution of the Commonwealth of Pennsylvania;

JUDGE PANELLA: And the Constitution of the Commonwealth of Pennsylvania.

JUSTICE NIGRO: And that I will discharge;

JUDGE PANELLA: And that I will discharge;

JUSTICE NIGRO: The duties of my office;

JUDGE PANELLA: The duties of my office.

JUSTICE NIGRO: As a Judge on the Superior Court of Pennsylvania;

JUDGE PANELLA: As a Judge on the Superior Court of Pennsylvania;

JUSTICE NIGRO: To the best of my ability.

JUDGE PANELLA: To the best of my ability.

JUSTICE NIGRO: And with fidelity;

JUDGE PANELLA: And with fidelity;

JUSTICE NIGRO: So help me God.

JUDGE PANELLA: So help me God.

JUSTICE NIGRO: Congratulations to you.

(Applause)

PRESIDENT JUDGE DEL SOLE: Before we proceed to the next event on the program at this point one or two of our Judges may be leaving because they have flights to catch back home. So you understand that Jack, they are not leaving because you are coming on the Bench.

Now to robe our new Judge is John Morganelli, the District Attorney of Northampton County and Martin D. Cohen, Esquire. Will you come forward.

(Judge Panella was robed.)

PRESIDENT JUDGE DEL SOLE: Your Honor, do you have any response, or disclaimers, or anything?

JUDGE PANELLA: Clint Eastwood, Paul Newman? Jeanne doesn't know how good she has had it over the years.

Thank you very much, Judge.

With all my heart I thank you, all of you.

Just a few quick things. In 1991 when I first took the Bench, if any of you know what my name means you know it is bread. I was granted a gift by Judge Hogan and I thought it only right to return the favor. So Judge Hogan, we have a loaf of Italian bread for you.

Many of you remember back in 1991, when I first took the Bench, there were a lot of bets being made that I could not sit long enough to be a Judge. As a matter of fact, Judge McFadden gave me this seatbelt.

We just finished the campaign. I was up all over the state, standing up, walking around the rooms.

Larry, my good friend, you made a comment once about me speaking and walking around. I have been sitting for this entire Ceremony.

Judge, may I have permission to approach the podium, please?

PRESIDENT JUDGE DEL SOLE: I think your colleagues want me to say no but please do.

JUDGE PANELLA: Thank you, Judge.

Excuse me one moment. That feels so much better.

You have to bear with me, a few people and a few organizations I must thank.

First, and I'm going to make you all work with me just a little bit, this is long overdue. In 1980 it was a privilege of mine to join the Northampton County Bar Association, a group of professionals dedicated to the practice of law, to representing the interests of individuals, protecting their Constitutional rights and also protecting our streets.

I would like very much if all of you would please stand with me in a salute to the greatest Bar Association in the world, the Northampton County Bar Association.

(Applause)

Thank you. Without them Judge Simpson and I would have been nowhere. They stood behind us coming from the Lehigh Valley.

You know, the campaign was rather grueling, from February till November I put 40 thousand miles on my car and that doesn't include when Mike Prestipino drove, also doesn't include the times I flew. And believe me, I have enough frequent flyer miles for all of us to go to Hawaii. The way I stayed focused, the way Jeanne and I tried to stay centered on the campaign, to remember the reasons we really decided to direct our lives towards public service for working for our fellow men and women, for doing things for the good of our community, what I did was I did my best to engage in daily prayer and to attend Mass as often as I could. You see in this room we're all of different religions but the one thing that all Americans share is that inner core of morality. It really forms the basis of decency in our Country. And we have to remember why we're here and why we were put here. That is why it was such a joyous occasion for my family and that Bishop Edward Cullen took time from his busy schedule to join us for today, the chosen leader of my faith in the Lehigh Valley. So please join me in thanking Bishop Cullen.

(Applause)

You know, they put a microphone in front of me on Election night and I didn't know what to say, so they said, would you like to thank everybody? Of course I'd first like to thank God, I'd like to thank my family and I'd like to thank the Sons of Italy. I had to,

during the course of the campaign, join every Italian American organization in the State. In Pittsburgh, I think it was a Calabrese organization, in Pittsburgh they fed me some kind of meat pie. It is still right there. Wherever I would go they would say, "sit down, eat something." I would say, "but I have to give a speech". "It is O.K., you have time, sit down and eat." If there is one example that I had to make, if it is anything like 1991 there are many Italian Americans out there, it would have to be the support I received. Many of them are members of the Sons of Italy. I wanted to say something in Italian to all of you but having been born in Brooklyn it is difficult enough for me to speak in English so that you can understand me so I asked my good friend, Judge Ralph Sposato to join me for a moment to say something in Italian. Justice Cognetti.

JUDGE SPOSATO: I am extremely honored that I could express sentiments on behalf of my dear friend, Jack, in Italian, the language of our ancestors.

(Judge Sposato spoke in Italian.)

Thank you very much.

JUDGE PANELLA: Lori, did you get all that down?

Regrettably there are a few that are not here with us today, although they should be, and they are in our hearts. Attorney Joseph Leeson taught me first how to be an attorney. Gene Hartzell will always be in my memory, appointed me County Solicitor and really gave me guidance in the early portions of my career. Judge Alfred T. Williams, when I first joined the Bench, when I was an attorney, I don't know what life would have been like without him. When I'm asked to name the finest individuals I have ever met, I have come across in my life, I always name Governor Robert Casey as one of them. I treasure his book, which he gave to me, *Fighting for Life*. It has served as an inspiration to me. And again, I can't be grateful enough that a representative of his family, Bob Casey, Jr. is here with us.

The last one is a very appropriate one to talk about today because he represents many of the groups that we just spoke about. After my clerkship, I didn't want to practice law with anyone other than Renald Baratta. Renald Baratta was an excellent attorney in the courtroom. No one matched him. He was the type of person to lead, give guidance to young attorneys. I asked him, Renald, may I practice

with you? He right away opened up his office, gave me a desk. Believe it or not Jeanne was my secretary back then and he gave us the opportunity to form a life for ourselves here in Northampton County. I remember once his secretary came up after I just shortly started practice, Renald says on a Friday afternoon, have a good weekend and here is 2 hundred dollars, go buy some groceries. That is the kind of heart he had. On behalf of all of the members of the Bar Association I want to acknowledge Renald as an example of this Bar Association. And Pat Baratta, where are you? Pat I thought you responded. Give me a moment. Sometimes recognition isn't given before a person passes on to the next level but in Renald's honor today I would like to present this to Pat Baratta. Pat.

I have been working in this Courthouse since 1980, the finest group of individuals you could ever think of working with, Prothonotary's Office, Criminal Division, all of you out there. We tried to reserve seats for you, too, so you could be up front. The Probation Department, Juvenile and Adult. Mark Mazziotta, so many times I have attorneys in chambers and the phone would ring. I'd pick it up and I'd say excuse me, it is the Chief Adult Probation Officer, I have to speak to him. I go silent. Yes, yes, Mark, I love you, too. Tell me what you need to talk to me about. The greatest group of individuals that a person could ever think of working with are located right here in Easton, in our Courthouse. The Courtroom 5 staff, wonderful people. My former secretaries are here. My current secretary, Val. Alicia. Most of my former law clerks are present in here. All of you, the greatest in the world, really. A Judge doesn't do this job alone. It is the people doing the backup work that get you there and have you prepared in Court, have those cases move along.

There is not too much I can say about Spaz that you don't already know. It has been wonderful, Spaz. Charles Spaziani really taught me—a true story. When Spaz and I were interviewing a perspective client, he came in and just as we were walking out he turned to me and he said, well, I need this zoning variance who do I bribe? So I went to Spaz's office and I said, Spaz, that is what he said to me should I show him the law? And Spaz said, no, you show him the door. Spaz, again from the bottom of our heart, it is wonderful being with you.

There are two special people I have to talk about right now. One of them is not really part of this but he should be because he's not really sitting in the close well of the Court. And I'm going to follow a little lead by Justice Baer right now, for all of the years of guidance, friendship, just about anything you could think of, I would like Gino Guinata, I would like you to take my seat next to Spaz at counsel table now that I'm not sitting there, please.

Bernice Lavella, where are you? She has been with me almost my entire career in Judge Franciosa's office, in private practice, then again back into my judicial office, gave me great advice during the campaign, worked with me. She was there stuffing envelopes, doing everything like that. Life would have been nothing for us without you, Bernice. And you have to bear with me one moment again. And again, it is the people behind the scenes that never get the recognition. For everything the Judge does is that judicial secretary behind the scenes. When a lawyer is in Court it is typically that legal secretary that has prepared everything. Well, this is the fine example of a person who makes people like me look good. Bernice Lavella.

Now I have family over here. What can I say about my wife? She has backed me all the way, all these crazy decisions, career moves we decided to make to try to serve the public. She has stuck with me through thick and thin, agreed with me when I wanted to leave private practice and go full time into public service. And there is not much more I can give to you, Jeanne. There is one thing I know that you don't have. Just one moment. If anybody deserves a trophy, it is Jeanne Panella.

Now, I have given flowers to Bernice, to Pat. My mom and sister are here. Do you think I'm crazy? I got them flowers, also.

JUSTICE NIGRO: I wish I had the florist concession.

JUDGE PANELLA: You know inspiration comes from many different parts of our life. For me one of the strongest areas is among the people of Pennsylvania, people of Northampton County. I had the privilege of accompanying my good friend Phil Noto to Bosnia to visit the Pennsylvania National Guard. Young men and women who are stationed in Bosnia to protect us and they are in foreign and dangerous soil but they are there to protect us. They are sacrificing for us.

Here in Northampton County I know my friends, the sacrifices

they have made over the terms of their lives, working hard in steel mills and horrible furnace rooms, working in the coal mines. As I would travel around the state I would meet some fellow Pennsylvanians who want nothing more than to have a job and support their families. They want medical coverage. They want some type of plan there to make sure that the members of their families are protected in the event of an emergency or in the event that medical treatment is necessary. It is the great people of Pennsylvania. You know we rebuilt Germany and Japan after World War II and we're now going to undoubtedly send billions of dollars to rebuild Iraq. My thoughts are for our Americans right here in Pennsylvania at times, people who want to have dignity, want to support their families and raise their children, and see their children educated. Well, that's where my inspiration comes from and that is why Jeanne and I decided many, many years ago to direct our lives full time into public service. And look at people I've become associated with, all with the same guise. And I have been involved with politics for too many years to know there are many out there that are not sincere that is why I wanted my sons' classes to be here, students from the high school and from grammar school. I want all of you to know that never let the concept of downsizing or the concept of one hundredths of a percent more of a profit margin to interfere with your responsibility to your fellow men and women. There are people out there that need you. And all of us need each other, that is why Jeanne and I made this decision and that's why, believe me, I have no hesitation in closing when I say to you God bless the people of Northampton County. God bless Pennsylvania. And God bless America.

Thank you.

PRESIDENT JUDGE DEL SOLE: Please be seated everyone.

Jeanne, your husband has asked me to enter an order prohibiting you from giving that trophy back to him to put in his chambers but I won't do that. If you want to send it to him you can have it out there.

JEANNE PANELLA: Thank you.

PRESIDENT JUDGE DEL SOLE: Judge Panella has asked that I advise everyone that there is a reception beginning at 3 o'clock

at the Candlelight. I assume everyone here knows where that is.

At this time I would call upon Monsignor Sami Hayek of our Lady of Lebanon Church for the Benediction.

Monsignor.

MONSIGNOR HAYEK: Heavenly Father, we stand before your divine majesty now for your servant and son, Judge Jack Panella, his family and friends, the spirit of joy, gratitude, after celebration for all his accomplishments and all your blessings upon him and his family. We implore you to continue to look upon him as he assumes further responsibility now in his noble profession, confirm him in his commitment to work for the truth, social justice, peace and harmony among people. And that his decisions in the future may always be as they have been in the past, for the benefit of others, and serve the needs of society.

Heavenly Father, all power, glory, praise and worship belong to you now and forever until all eternity. Amen.

PRESIDENT JUDGE DEL SOLE: Now I would ask that Matthew James Allshouse come up again for a rendition of God Bless America.

(Matthew Allshouse sang God Bless America.)

PRESIDENT JUDGE DEL SOLE: You may be seated. Friends and colleagues, we thank you, everyone here in Northampton County, for the courtesy that they have extended to us on this gorgeous day, wonderful day in the life of the Panella family and a great day in the Superior Court.

Anything further?

MR. MORRISSEY: No, Your Honor.

PRESIDENT JUDGE DEL SOLE: Would you please adjourn.

MR. MORRISSEY: This very special session of the Superior Court of Pennsylvania is now adjourned.

(COURT ADJOURNED.)

PENNSYLVANIA SUPERIOR COURT JUDGES
SINCE 1895

#	Judges	Assumed Office Or Installation Date
#1	Charles E. Rice, P.J.E.	Jun. 28, 1895
#2	James A. Beaver	Jun. 28, 1895
#3	George B. Orlady, P.J.E.	Jun. 28, 1895
#4	John J. Wickham	Jun. 28, 1895
#5	Edward N. Williard	Jun. 28, 1895
#6	Howard I. Reeder	Jun. 28, 1895
#7	Henry J. Mccarthy	Jun. 28, 1895
#8	Peter P. Smith	1896
#9	William W. Porter	Sep. 14, 1897
#10	William D. Porter, P.J.E.	Jul. 1898
#11	Dimner Beeber	Jan. 2, 1899
#12	John I. Mitchell	1900
#13	Thomas A. Morrison	Dec. 30, 1902
#14	John J. Henderson	Mar. 11, 1903
#15	John B. Head	1906
#16	Frank M. Trexler, P.J.E.	Feb. 6, 1914
#17	John W. Kephart	1914
#18	J. Henry Williams	1916
#19	William H. Keller, P.J.E.	1919
#20	William B. Linn	Nov. 5, 1919
#21	Robert S. Gawthrop	Apr. 12, 1922
#22	Jesse E.B. Cunningham	1926
#23	Thomas J. Baldrige, P.J.E.	Jan. 28, 1929
#24	Frank J. Graff	Feb. 18, 1930
#25	John J. Whitmore	Jun. 24, 1930
#26	James B. Drew	1931
#27	Joseph Stadfelt	Nov. 7, 1931
#28	William M. Parker	Feb. 23, 1932
#29	Arthur H. James	1933
#30	Chester Rhodes, P.J.E.	1935
#31	William, E. Hirt	Mar. 8, 1939
#32	Charles E. Kenworthy	Apr. 14, 1941
#33	Claude T. Reno	Dec. 15, 1942
#34	Clair F. Ross	Jan. 18, 1945
#35	W. Heber Dithrich	Dec. 29, 1945
#36	John C. Arnold	Apr. 2, 1945
#37	John S. Fine	Jul. 15, 1947
#38	Blair F. Gunther	Apr. 25, 1950
#39	J. Colvin Wright, P.J.E.	Feb. 23, 1953
#40	Robert E. Woodside	Oct. 1, 1953
#41	Harold L. Ervin, P.J.E.	Jan. 4, 1954
#42	Philip O. Carr	Mar. 5, 1956
#43	G. Harold Watkins, P.J.E.	Jan. 7, 1957
#44	Harry M. Montgomery	Jan. 5, 1960

#45	Gerald F. Flood	Jan. 2, 1961
#46	Robert Lee Jacobs, P.J.E.	Jan. 4, 1965
#47	J. Sydney Hoffman	Jan. 4, 1965
#48	Theodore O. Spaulding	Mar. 27, 1966
#49	John B. Hannum	Jan. 6, 1968
#50	Wm.Franklin Cercone P.J.E.	Jan. 6, 1969
#51	Israel Packel	Dec. 31, 1971
#52	Edmund B. Spaeth, P.J.E.	Jan. 2, 1973
#53	Gwilym A. Price, Jr.	Jan. 7, 1974
#54	Robert Van Der Voort	Jan. 7, 1974
#55	John P. Hester	Jan. 3, 1978
#56	Donald E. Wieand	Oct. 12, 1978
#57	James R. Cavanaugh	Jul. 31, 1979
#58	Richard Wickersham	Jan. 7, 1980
#59	John G. Brosky	Jan. 7, 1980
#60	Frank J. Montemuro	Dec. 16, 1980
#61	Richard Disalle	Dec. 16, 1980
#62	Perry J. Shertz	Dec. 16, 1980
#63	Zoran Popovich	Dec. 16, 1980
#64	Justin M. Johnson	Dec. 16, 1980
#65	Stephen J. McEwen, P.J.E.	May 15, 1981
#66	Phyllis W. Beck	Jun. 23, 1981
#67	Vincent A. Cirillo, P.J.E.	Jan. 4, 1982
#68	James E. Rowley, P.J.E.	Jan. 4, 1982
#69	Peter Paul Olszewski	Jan. 2, 1984
#70	Joseph A. Del Sole, P.J.E.	Jan. 2, 1984
#71	Patrick R. Tamilia	Jan. 2, 1984
#72	John T.J. Kelly, Jr.	Jan. 8, 1986
#73	James R. Melinson	Feb. 10, 1988
#74	Kate Ford Elliott, P.J.	Dec. 28, 1989
#75	Joseph A. Hudock	Dec. 29, 1989
#76	Thomas G. Saylor	Jan. 7, 1994
#77	J. Michael Eakin	Dec. 15, 1995
#78	D. Donald Jamieson	1995 & 1996
#79	Berle M. Schiller	Jun. 7, 1996
#80	Michael T. Joyce	Jan. 5, 1998
#81	Correale F. Stevens	Jan. 5, 1998
#82	John L. Musmanno	Jan. 5, 1998
#83	Joan Orié Melvin	Jan. 5, 1998
#84	Maureen Lally-Green	Jun. 5, 1998
#85	Debra M. Todd	Jan. 3, 2000
#86	Richard B. Klein	Jan. 7, 2002
#87	John T. Bender	Jan. 2, 2002
#88	Mary Jane Bowes	Jan. 3, 2002
#89	Robert A. Graci	Sep. 20, 2002
#90	Susan Peikes Gantman	Jan. 2, 2004
#91	Seamus P. McCaffery	Jan. 2, 2004
#92	Jack A. Panella	Jan. 9, 2004

**PRESIDENT JUDGES OF THE
PENNSYLVANIA SUPERIOR COURT**

Charles E. Rice	1895-1915
George B. Orlady	1915-1925
William D. Porter	1925-1930
Frank M. Trexler	1930-1935
William H. Keller	1935-1945
Thomas J. Baldrige	1945-1947
Chester H. Rhodes	1947-1965
Harold L. Ervin	1965-1967
Colvin J. Wright	1968-1974
G. Harold Watkins	1974-1978
Robert Lee Jacobs	1978-1979
William Franklin Cercone	1979-1983
Edmund B. Spaeth	1983-1986
Vincent A. Cirillo	1986-1991
James E. Rowley	1991-1996
Stephen J. McEwen, Jr.	1996-2001
Joseph A. Del Sole	2001-2006
Kate Ford Elliott	2006-

ACKNOWLEDGMENTS

There are a number of people whose contributions to this project must be acknowledged. As stated in the Foreword, President Judge Emeritus Joseph A. Del Sole began this project with his assignment to gather ceremonial sessions. He continued to support the project with both funding and encouragement. Likewise, the continued support of President Judge Kate Ford Elliott must also be acknowledged. Hopefully, the first two volumes of the project will be completed during her term as President Judge.

While I have guided this project along, the vast amount of work has been done by Diane M. Cutrara. She gathered ceremonies, organized the material, dealt with the publisher and publisher's staff, entered large amounts of data into the necessary format, coordinated the writing of the biographies, proofread the ceremonies and biographies and generally ran the project. She was assisted in these endeavors by Gail N. Sanger, Paula Turocy and Mary Pat Shento.

When we had no ceremony or other suitable writing, we looked to Temple University's History Department. Dr. Joseph Foster, Professor of History at Temple University, worked with us and assigned Dianna DiIllio, a graduate history student, to write the biographies. We thank Diane for researching and writing these biographies.

I would also like to acknowledge our Superior Court Legal Systems Employee, Fran Ierardi, in Philadelphia for helping secure digitized photographs of the President Judges.

This project would have been much more difficult, if not impossible without the historical work entitled the Keystone of Justice, the Pennsylvania Superior Court, co-authored by Judge Patrick R. Tamilya, the 71st commissioned Judge to serve on the Superior Court.

On behalf of myself, as chairman of the Archives Committee, and my colleagues and their families, I want to thank everyone involved in this project from its inception to its completion. With this book, and the upcoming volume, the Ceremonial Sessions, Biographies and Photographs of all Superior Court Judges since 1895, will be preserved for future generations.

The Honorable John T. Bender
87th Commissioned Judge of the
Superior Court of Pennsylvania
January 2007

